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LINCOLN, NEBRASKA

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MEMBERS

Dist.	Name	Post Office	Occupation	Counties
1	Joseph C. Reavis	Falls City	Lawyer	Johnson, Pawnee, Richardson
2	Frank Sorrell	Syracuse	Auctioneer, Real Estate and Insurance	Otoe, Nemaha
3	Fred L. Carsten	Avoca	Farmer	Sarpy, Cass
4	William J. Norman	Omaha	Publisher	Douglas
5	John Adams, Jr.	Omaha	Attorney at law	Douglas
6	Sam Klaver	Omaha	Attorney and Publisher	Douglas
7	Charles F. Tvrdik	Omaha	Accountant	Douglas
8	Peter P. Gutoski	Omaha	Lawyer	Douglas
9	Amos Thomas	Omaha	Attorney at law	Douglas
10	Ernest A. Adams	Omaha	Broker	Douglas
11	Richard N. Johnson	Fremont	Lawyer	Dodge, Washington
12	E. M. Von Seggern	West Point	Editor and Publisher	Cuming, Burt
13	J. B. Rossiter	Walthill	Banker	Dakota, Thurston, Dixon
14	Martin J. Mischke	Crofton	Farmer and Rancher	Cedar, Knox
15	Carl H. Peterson	Norfolk	Attorney at law	Pierce, Madison
16	Emil E. Brodecky	Howells	Farmer	Stanton, Wayne, Colfax
17	M. E. Westley	Brainard	Cafe Owner, Barber	Butler, Saunders
18	James E. Reed	Lincoln	Farmer	Lancaster
19	George I. Craven	Lincoln	Lawyer	Lancaster
20	Lester L. Dunn	Lincoln	Lawyer	Lancaster
21	John S. Callan	Odell	Hardware, Implements	Gage
22	J. Lyndon Thornton	Fairbury	Retired Postmaster	Thayer, Jefferson
23	John E. Mekota	Crete	Lawyer	Fillmore, Saline
24	W. H. Diers	Gresham	General Merchandise	York, Seward

MEMBERS (Concluded)

Dist.	Name	Post Office	Occupation	Counties
25	*Ray Thomas	Clay Center	Hatchery	Hamilton, Polk, Clay
26	Tom Lambert	Columbus	Oil Business	Nance, Platte
27	Edwin Schultz	Elgin	Farmer	Antelope, Boone
28	Frank J. Brady	Atkinson	Coal, Grain, Feed	Holt, Boyd, Keya Paha, Rock
29	John F. Doyle	Greeley	Merchant	Wheeler, Greeley, Valley, Howard
30	Alva M. Johnston	Doniphan	Farmer	Hall, Merrick
31	Leland R. Hall	Roseland	Banker	Kearney, Adams
32	Daniel Garber	Red Cloud	Farmer	Franklin, Webster, Nuckolls
33	E. M. Neubauer	Orleans	Farmer	Harlan, Furnas, Red Willow
34	Fred A. Mueller	Kearney	Automobile Dealer	Buffalo, Sherman
35	A. C. Van Diest	Taylor	Rancher	Custer, Loup, Garfield
36	Swan Carlson	Funk	Farmer	Dawson, Gosper, Phelps
37	Hugh B. Ashmore	Palisade	Farmer	Perkins, Chase, Hayes, Dundy, Hitchcock
38	Charles R. Herrick	Curtis	Farmer	Lincoln, Frontier
39	R. M. Howard	Flats	Rancher	Keith, Deuel, Garden, Arthur, Grant, Hooker, McPherson, Thomas, Logan, Blaine
40	George B. Gross	Valentine	Lawyer	Cherry, Sheridan, Brown
41	Harry E. Gantz	Alliance	Attorney at law	Dawes, Box Butte, Sioux
42	L. B. Murphy	Scottsbluff	Merchant	Scotts Bluff
43	A. L. Miller	Kimball	Physician and Surgeon	Banner, Kimball, Cheyenne, Morrill

*Appointed January 2, 1940, by Governor Cochran to fill vacancy created by death of Jay Hastings, November 14, 1939.

APPORTIONMENT

Congressional Districts

First District consists of the counties of Cass, Otoe, Nemaha, Richardson, Pawnee, Johnson, Lancaster, Seward, Butler, Saunders and Gage.

Second District consists of the counties of Sarpy, Douglas and Washington.

Third District consists of the counties of Burt, Thurston, Dakota, Dixon, Cuming, Dodge, Colfax, Stanton, Wayne, Cedar, Knox, Pierce, Madison, Platte, Nance, Boone, Antelope, Boyd, Holt, Wheeler, Greeley and Merrick.

Fourth District consists of the counties of Hall, Adams, Webster, Franklin, Kearney, Phelps, Harlan, Gosper, Furnas, Red Willow, Frontier, Hitchcock, Hayes, Perkins, Chase, Dundy, Nuckolls, Saline, Jefferson, Polk, York, Fillmore, Thayer, Hamilton and Clay.

Fifth District consists of the counties of Sioux, Scotts Bluff, Banner, Kimball, Dawes, Box Butte, Cheyenne, Sheridan, Deuel, Cherry, Grant, Arthur, Keith, Lincoln, McPherson, Hooker, Thomas, Logan, Dawson, Custer, Blaine, Brown, Keya Paha, Rock, Loup, Garfield, Valley, Sherman, Buffalo, Howard, Garden and Morrill.

Legislative Districts

District No. 1. The counties of Johnson, Pawnee, Richardson.

District No. 2. The counties of Otoe and Nemaha.

District No. 3. The counties of Sarpy and Cass.

District No. 4. Includes the following territory in the county of Douglas and the city of Omaha: All north of Bedford Avenue to Evans St. between 43rd, and 48th St.; all north of Evans St. between 44th St. and 48th St.; all north of Paxton St. between 44th St. and Florence Blvd.; all north of Ames Ave. between Florence Blvd. and the eastern corporate limits.

District No. 5. Includes the following territory in the county of Douglas and the city of Omaha: All north from Blondo Street to Lake between 49th and 50th Streets; north from Charles to Lake between 48th and 49th Streets; north from Charles to Bedford Ave. between 43rd and 48th Streets; north from Charles to Evans between 36th and 43rd Sts.; north from Evans to Paxton between 36th and 44th Streets; north from Cuming to Paxton St. between 30th and 36th Streets; north from Indiana to Paxton between 24th and 30th Streets; north from Nicholas to Paxton between 24th St. and Florence Blvd.; north from Nicholas to Ames between 16th St. and Florence Blvd.; north of Charles to Ames between 16th St. and the eastern corporate limits; and east Omaha.

District No. 6. Includes the following territory in the county of Douglas and the city of Omaha: All north of Pacific to Leavenworth, between Park Ave. and 30th St.; north from Pacific to Farnam between 20th St. and Park Ave.; north from Farnam to Indiana, between 24th and 40th Streets; north from Pacific to Nicholas, between 20th and 24th Streets; north from Pierce to Nicholas, between 16th and 20th streets; north from Hickory to Charles between 10th and 16th Streets; north from Pine to Charles, between 10th Street and the eastern corporate limits.

District No. 7. Includes the following territory in the county of Douglas and the city of Omaha: All north from Hickory St. to Woolworth Ave., between 29th St. and Park Ave.; north from Hickory to Poppleton Ave., between 28th and 29th Streets; north from Hickory to Pacific, between 25th Ave. and 28th St.; north from Center to Pacific, between 24th St. and 25th Ave.; north from Center to Pacific, between 20th and 24th Streets; north from Center to Pierce, between 16th and 20th Streets; north from Center to Hickory, between 10th and 16th Streets; north from Center to Pine, between 10th Street and the eastern corporate limits; north from G to Center, between the Burlington RR east to the corporate limits; north from H to G, between

the Burlington RR and 27th Street; all south of G to the corporate limits, between 24th St. and its extension to the Burlington on U St., east to the corporate limits.

District No. 8. Includes the following territory in the county of Douglas and the city of Omaha: North from Woolworth Ave. to Pacific St., between 63rd and 66th Streets; north from Center to Pacific, between 60th and 63rd Sts.; north from Spring to Pacific, between 52nd and 60th Streets; north from F to Pacific, between 46th Ave. and 52nd St.; north from F to Pacific, between 42nd St. to 46th Ave.; north from F to Center, between 42nd St. and the Burlington RR; north from Center to Leavenworth, between 30th and 42nd Streets; north from Poppleton Ave., to Pacific St., between 28th and 30th Streets; north from Woolworth to Poppleton, between 29th and 30th Streets; north from Hickory to Woolworth, between Park Ave. and 30th St.; north from Center to Hickory, between 25th Ave. and 30th St.; north from H to F, between 42nd St. and the Burlington RR; north from H to G, between 24th and 27th Sts.; north from Madison to H, between 42nd and 24th and its extension to the RR; north from Harrison to Madison, between 45th St., and The Burlington RR.

District No. 9. Includes the following territory in the county of Douglas and the city of Omaha: North from Pacific to Howard, between the western corporate limits and 60th St.; north from Pacific to Dodge, between 56th and 60th Streets; north from Pacific to Charles, between the western corporate limits and 56th Ave.; north from Leavenworth to Charles, between 46th Ave. and 36th Street; north from Leavenworth to Cuming, between 30th and 36th Streets; north from Leavenworth to Farnam, between 30th and Park Ave.

District No. 10. Includes the following territory in the county of Douglas and the city of Omaha: North from Charles to Blondo, between western corporate limits and 49th St.; north from Blondo to Lake, between 66th St. and 50th Streets; all north of Lake between 72nd St. and 48th St.; and all of the rural precincts.

District No. 11. Includes Dodge and Washington.

District No. 12. Includes Cuming and Burt.

District No. 13. Includes Dakota, Thurston and Dixon.

District No. 14. Includes Cedar and Knox.

District No. 15. Includes Pierce and Madison.

District No. 16. Includes Stanton, Wayne and Colfax.

District No. 17. Includes Butler and Saunders.

District No. 18. Includes the following territory in the county of Lancaster and the city of Lincoln: All north of Potter between 22nd and 29th; all north of Vine between 29th and 58th; all north of R between 58th and 63rd; all east of 63rd within the corporate limits of the city of Lincoln; all of the county precincts of Lancaster county except Garfield.

District No. 19. Includes the following territory in the county of Lancaster and the city of Lincoln: Territory west of 29th between Potter and Vine to 22nd; west of 28th between Vine and O to 22nd; west of 27th between O and Randolph to 22nd; west of 22nd and north of Randolph and extension thereof on G to 14th, and west of 17th, between G and D to 14th, all west of 14th, and north of A to corporate limits, and Garfield precinct of Lancaster county.

District No. 20. Includes the following territory in the county of Lancaster and the city of Lincoln: All west of 14th, and south of A to corporate limits, all south of D between 14th and 17th, all south of G and its extension on Randolph between 17th and 22nd, all south of Randolph between 22nd and 27th, all south of Vine between 28th and 33rd to O, all east of 33rd between Vine and O, all east of 27th between O and Randolph, all south of Randolph and east of 27th to corporate limits.

District No. 21. The county of Gage.

District No. 22. The counties of Thayer and Jefferson.

District No. 23. The counties of Fillmore and Saline.

District No. 24. The counties of York and Seward.

District No. 25. The counties of Hamilton, Polk and Clay.

District No. 26. The counties of Nance and Platte.

District No. 27. The counties of Antelope and Boone.

District No. 28. The counties of Holt, Boyd, Keya Paha and Rock.

District No. 29. The counties of Wheeler, Greeley, Valley and Howard.

District No. 30. The counties of Hall and Merrick.

District No. 31. The counties of Kearney and Adams.

District No. 32. The counties of Franklin, Webster and Nuckolls.

District No. 33. The counties of Harlan, Furnas and Red Willow.

District No. 34. The counties of Buffalo and Sherman.

District No. 35. The counties of Custer, Loup and Garfield.

District No. 36. The counties of Dawson, Gosper and Phelps.

District No. 37. The counties of Perkins, Chase, Hayes, Dundy and Hitchcock.

District No. 38. The counties of Lincoln and Frontier.

District No. 39. The counties of Keith, Deuel, Garden, Arthur, Grant, Hooker, McPherson, Thomas, Logan and Blaine.

District No. 40. The counties of Cherry, Sheridan and Brown.

District No. 41. The counties of Dawes, Box Butte and Sioux.

District No. 42. The county of Scotts Bluff.

District No. 43. The counties of Banner, Kimball, Cheyenne and Morrill.

Judicial Districts

District No. 1 shall consist of the counties of Johnson, Pawnee, Nemaha and Richardson.

District No. 2 shall consist of the counties of Sarpy, Cass and Otoe.

District No. 3 shall consist of the county of Lancaster.

District No. 4 shall consist of the counties of Burt, Washington and Douglas.

District No. 5 shall consist of the counties of Hamilton, Polk, York, Butler, Seward and Saunders.

District No. 6 shall consist of the counties of Boone, Nance, Merrick, Platte, Colfax and Dodge.

District No. 7 shall consist of the counties of Fillmore, Saline, Thayer and Nuckolls.

District No. 8 shall consist of the counties of Thurston, Dakota, Dixon and Cedar.

District No. 9 shall consist of the counties of Knox, Antelope, Cuming, Pierce, Madison, Stanton and Wayne.

District No. 10 shall consist of the counties of Phelps, Kearney, Adams, Harlan, Franklin, Webster and Clay.

District No. 11 shall consist of the counties of Hall, Howard, Greeley, Valley, Wheeler, Garfield, Loup, Grant, Hooker, Thomas and Blaine.

District No. 12 shall consist of the counties of Custer, Sherman, Logan and Buffalo.

District No. 13 shall consist of the counties of McPherson, Lincoln, Deuel, Cheyenne, Kimball, Dawson, Keith, Banner and Arthur.

District No. 14 shall consist of the counties of Chase, Hayes, Frontier, Gosper, Furnas, Red Willow, Hitchcock, Perkins and Dundy.

District No. 15 shall consist of the counties of Brown, Keya Paha, Boyd, Rock and Holt.

District No. 16 shall consist of the counties of Cherry, Sheridan, Dawes, Box Butte and Sioux.

District No. 17 shall consist of the counties of Garden, Morrill and Scotts Bluff.

District No. 18 shall consist of the counties of Jefferson and Gage.

Provided, in the fourth district there shall be nine judges of the district court; in the third district there shall be four judges of the district court; in the fifth, sixth, ninth, tenth and eleventh districts there shall be two judges of the district court in each of said districts; in the thirteenth district there shall be two judges of the district court; in all other districts there shall be one judge of the district court in each of such other districts.

LEGISLATIVE SESSIONS SINCE THE LEGISLATURE ORGANIZED

First session. Held at Omaha, the State Capital, on July 4, A.D., 1866. Adjourned July 11, 1866. Session eight days. Convened in compliance with adoption of the Constitution. Membership consisted of thirteen senators and thirty-nine representatives elected from the territorial districts.

Second session. (Special) Held at Omaha, the State Capital, February 20, 1867, and adjourned February 21, 1867. Session two days. Session was called to consider certain conditions made by act of Congress for the admission of Nebraska into the Union.

Third session. (Special) Held at Omaha, the State Capital, May 16, 1867, and adjourned June 24, 1867. Session forty days. Session called by the Governor to carry out provisions of the new Constitution.

Fourth session. (Special) Held at Omaha, the State Capital, October 27, 1868. Adjourned October 28, 1868. Session two days. Called to provide for the election of Presidential and Vice-presidential electors.

Fifth session. (Special) Held at Lincoln, the State Capital, Jannary 7, 1869. Adjourned February 15, 1869. Session forty days.

Sixth session. (Special) Held at Lincoln, where the State Capital was permanently located. Convened February 17, 1870. Adjourned March 4, 1870. Session sixteen days. Called to ratify the proposed Fifteenth Amendment to the Constitution of the United States, and special business.

Seventh session. (Special) Convened March 4, 1870. Adjourned March 4, 1870. Session one day.

Eighth session. Convened January 5, 1871. Adjourned on the 29th of March to the 30th of May for the purpose of sitting as a court to try impeachment proceedings against Governor Butler. On Jnne 7, 1871, adjourned a second time until January 9, 1872, for the purpose of trying impeachment proceedings against Auditor John Gillespie. Adjourned Jannary 26, 1872. Session 110 days.

Session	Convened	Adjourned
Ninth	Jan. 9, 1873	Mar. 4, 1873
Tenth (Special)	Mar. 27, 1873	Mar. 29, 1873
Eleventh	Jan. 7, 1875	Feb. 25, 1875
Twelfth (Special)	Dec. 5, 1876	Dec. 5, 1876
Thirteenth (Special)	Dec. 5, 1876	Dec. 5, 1876
Fourteenth	Jan. 2, 1877	Feb. 15, 1877
Fifteenth	Jan. 7, 1879	Feb. 25, 1879

Sixteenth	Jan. 4, 1881	Feb. 26, 1881
Seventeenth (Special)	May 10, 1882	May 24, 1882
Eighteenth	Jan. 2, 1883	Feb. 26, 1883
Nineteenth	Jan. 6, 1885	Mar. 5, 1885
Twentieth	Jan. 4, 1887	Mar. 31, 1887
Twenty-first	Jan. 1, 1889	Mar. 30, 1889
Twenty-second	Jan. 6, 1891	Apr. 4, 1891
Twenty-third	Jan. 3, 1893	Apr. 8, 1893
Twenty-fourth	Jan. 1, 1895	Apr. 5, 1895
Twenty-fifth	Jan. 5, 1897	Apr. 9, 1897
Twenty-sixth	Jan. 3, 1899	Mar. 31, 1899
Twenty-seventh	Jan. 1, 1901	Mar. 28, 1901
Twenty-eighth	Jan. 6, 1903	Apr. 8, 1903
Twenty-ninth	Jan. 3, 1905	Mar. 30, 1905
Thirtieth	Jan. 1, 1907	Apr. 4, 1907
Thirty-first	Jan. 5, 1909	Apr. 1, 1909
Thirty-second	Jan. 3, 1911	Apr. 6, 1911
Thirty-third	Jan. 7, 1913	Apr. 16, 1913
Thirty-fourth	Jan. 5, 1915	Apr. 8, 1915
Thirty-fifth	Jan. 2, 1917	Apr. 24, 1917
Thirty-sixth (Special)	Mar. 26, 1918	Apr. 8, 1918
Thirty-seventh	Jan. 7, 1919	Apr. 17, 1919
Thirty-eighth (Special)	July 29, 1919	Aug. 2, 1919
Thirty-ninth (Special)	Oct. 14, 1919	Oct. 18, 1919
Fortieth	Jan. 4, 1921	Apr. 28, 1921
Forty-first (Special)	Jan. 24, 1922	Feb. 2, 1922
Forty-second	Jan. 2, 1923	May 2, 1923
Forty-third	Jan. 6, 1925	Apr. 1, 1925
Forty-fourth	Jan. 4, 1927	Apr. 23, 1927
Forty-fifth	Jan. 1, 1929	Apr. 24, 1929
Forty-sixth (Special)	Mar. 4, 1930	Mar. 15, 1930
Forty-seventh	Jan. 6, 1931	May 2, 1931
Forty-eighth (Special)	June 9, 1931	June 20, 1931
Forty-ninth	Jan. 3, 1933	May 9, 1933
Fiftieth	Jan. 1, 1935	May 25, 1935
Fifty-first (Special)	Oct. 28, 1935	Nov. 25, 1935
Fifty-second	Jan. 5, 1937	May 15, 1937
Fifty-third	Jan. 3, 1939	June 7, 1939
Fifty-fourth (Special)	Jan. 2, 1940	Jan. 13, 1940

RULES OF LEGISLATURE

RULE I

Duties of the President

1. The Lieutenant Governor shall preside as President of the Legislature, and the Speaker, as President pro tempore shall preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. All references herein made to the President shall be construed as meaning the Speaker whenever he may preside in the absence of the Lieutenant Governor.

2. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He shall call the Legislature to order, and a quorum being present, shall proceed to business in the manner and order prescribed by these rules. A majority of the members elected to the Legislature shall constitute a quorum.

3. If the President finds that a number less than a quorum is present, he shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the Legislature.

4. He shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

5. He shall sign, in the presence of the Legislature while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature. All writs, warrants and subpoenas issued by the order of the Legislature shall be under his hand and seal, attested by the Clerk.

6. He shall rise to put a question, but he may state it sitting.

7. He may speak to a point of order in preference to members, rising from his seat for that purpose, and shall decide the questions of order, subject to an appeal to the Legislature by any members, on which appeal no member may speak more than once, unless by leave of the Legislature.

8. The President shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond the adjournment.

9. The Lieutenant Governor when presiding over the Legislature shall vote only when the Legislature is equally divided.

10. In the absence of both the Lieutenant Governor and the Speaker the chairman of the Judiciary Committee shall preside, and shall exercise all the powers herein conferred on the President, except the authority to sign bills or resolutions that may be passed by the Legislature.

RULE II

Officers Elected and Their Duties

1. At the commencement of its first session the Legislature shall nominate by informal ballot and shall elect by ballot the following officers:

Speaker.
Clerk of the Legislature.
Assistant Clerk.
Sergeant-at-arms.
Doorkeeper—Assistant Sergeant-at-arms.
Postmaster.
Chaplain.

2. The vote of a majority of the elected members shall be required for the election of each such officer.

3. In general the duties of the officers of the Legislature shall be those usual to such offices.

4. The Clerk of the Legislature shall keep a brief but accurate daily journal of the proceedings of the Legislature. He shall enter in the daily journal messages of the Governor in full; titles of bills; every vote, including the ayes and nays, and a brief statement of the contents of each resolution, petition, and memorial or other paper presented for the consideration of the Legislature.

5. The Assistant Clerk, in the absence of the Clerk, shall be authorized to exercise all of the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

6. The Sergeant-at-arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him by the presiding officer.

7. The Doorkeeper or Assistant Sergeant-at-arms shall enforce strictly the rules as they relate to the privileges of the legislative chamber.

8. The Postmaster shall superintend the post office kept in the capitol for the accommodation of the members, and shall be responsible for the prompt and safe delivery of their mail.

9. The Chaplain shall attend and shall open with prayer each day's sitting of the Legislature.

10. Each permanent officer shall take an oath to support the constitution of the United States, and the constitution of the state of Nebraska, and to faithfully discharge the duties of his office according to the best of his ability.

11. Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature, and the vacancy thus created shall be filled by a majority vote of the members.

RULE III

Employees, Their Selection and Duties

1. The Committee on Legislative Administration to be elected by the Legislature upon the recommendation of the Committee on Committees, and to consist of one member from each congressional district, shall have authority to select and employ suitable persons for all of the positions which may be determined upon as necessary by the Legislature.

2. The Committee on Legislative Administration shall have complete supervision of all employees, including the right to discharge any one or more of them. All employees shall be selected without reference to party affiliation, and shall be chosen upon the basis of merit.

3. The Committee on Legislative Administration shall print no paper or document, except bills and the daily journal, unless authorized by a majority vote of the Legislature.

4. The committee shall make a detailed and itemized report to the Legislature each month, concerning the number of employees, and the amount paid for their services, especially setting out the amount of regular time and overtime and to whom paid.

5. The Committee on Legislative Administration shall have general charge, except as may be provided by law or by rule, of such parts of the capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

RULE IV

Members

1. Every member shall be present within the legislative chamber during the sittings of the Legislature and shall attend the regular meetings of the standing committees of which he is a member, unless excused or necessarily prevented.

2. The presence of any member may be compelled, if necessary, by sending the Sergeant-at-arms, or such other person or persons, as the membership present may authorize, at the expense of such absent member, unless such excuse for non-attendance is made, as the Legislature may judge sufficient; and in that case the expense shall be paid out of the contingent fund.

3. Upon the completion of the roll call on the final passage of a bill any member may explain the absence of any other member, if requested in writing to do so, may state at his request how he would have voted if present, and such statement, if submitted to the Clerk in writing, and containing not more than thirty words, shall be entered in the daily journal.

4. If during consideration of bills on either the general file or the select file the introducer of a bill requests the Legislature to pass over said bill, it shall be placed at the bottom of the file, except by unanimous consent. Provided, if some member other than the introducer makes the request the bill shall retain its place on the file.

5. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

RULE V

Decorum and Debate

1. When any member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully addresa himself to "Mr. President", and when recognized shall confine himself to the question and shall avoid personalities.

2. No member shall speak more than twice upon any one question in debate during the same legislative day without leave of the Legislature, except in explanation, unless he be the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken.

3. No member shall speak to another, except when he may yield to a question, or otherwise interrupt the business of the Legislature. No member shall use profane or abusive language when speaking to or about another member.

4. If any member in speaking or otherwise transgress the rules of the Legislature, the presiding officer shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and if the case requires it, he shall be liable to censure or such punishment as the Legislature may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature; but he shall not be held to answer, nor be subject to the censure of the Legislature therefor, if further debate or other business has intervened.

6. A member shall be permitted to explain his vote upon any question, but such explanation of his vote on roll call shall be limited to fifty words, and shall not be entered in the daily journal unless the same be submitted to the Clerk in writing.

RULE VI

Committee on Committees

1. At the commencement of its first session the Legislature shall elect a Committee on Committees to consist of eleven members, one at large who shall be chairman, and two from each congressional district to be nominated by the members residing therein.

2. The Committee on Committees shall recommend to the Legislature for its approval and adoption the following standing committees, each with the number of members as hereinafter set forth. A majority of all of the members of the Committee on Committees shall be required to decide assignments.

Agriculture (including conservation, fish and game, live stock and grazing) ..... 9 members

Appropriations (formerly referred to as the committee on finance, ways and means, and including state institutions) .....11 members

Banking, Commerce and Insurance ..... 9 members

Claims and Deficiencies ..... 5 members

Education (including university and normal schools, public schools and libraries and school lands and funds) ..... 9 members

Enrollment and Review (including arrangement, phraseology and correlation) ..... 5 members

Government (including state, county and municipal governments; elections and apportionment) ..... 9 members

Judiciary ..... 9 members

Labor and Public Welfare (including social security and child labor) ..... 9 members

Legislative Administration (including employees, printing, audit and accounts) ..... 5 members

Public Health and Miscellaneous Subjects ..... 5 members

Public Works ..... 9 members

Revenue (including revenue and taxation, salaries, licenses and fees) ..... 9 members

Rules (including procedure and order of business) ..... 5 members

3. The Committee on Committees shall select, aside from the standing committees of the Legislature, all other committees, except where otherwise ordered by the Legislature.

4. The Committee on Committees shall arrange and publish a schedule of regular standing committee meetings in such manner as to avoid, as far as possible, conflicts in the assignment of members to such committees, and shall cause a copy of such schedule to be posted in some conspicuous place in the capitol near the legislative chamber.

RULE VII

Standing Committees

1. Standing committees shall consider and report without unnecessary delay all bills and resolutions referred to them.

2. The chairman of each standing committee shall be chosen by the Committee on Committees.

3. Each standing committee shall elect from its membership a vice-chairman to serve in the absence of the chairman.

4. Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least five (calendar) days' notice by publication in the legislative journal of the date and time of said hearing.

5. The Legislature may, by a vote of a majority of the elected members, request a report from any standing committee at any time after said committee shall have been in possession of a bill or resolution for at least ten legislative days.

6. Each standing committee shall, when reporting a bill, submit therewith a brief statement of the main purpose of the bill. Said statement shall give the committee's reason for so reporting and the minority view, if such there be, shall also be given; copies of such statement shall be furnished to the members.

7. Standing committees shall be authorized to combine and to correlate the provisions of different bills referred to them and related to the same subject; provided that where the changes made are such as to constitute a substitute bill the committee shall cause the same to be so introduced and printed.

8. When a standing committee introduces a bill as provided in the preceding section, and if the required committee hearings have been held thereon, the bill, after its second reading, shall be placed upon the general file.

9. Each standing committee shall keep a record of the proceedings in committee meetings. Any two members of the committee may demand a roll call upon the reporting of any bill, or upon amendments thereto, and the vote so taken shall be made a part of the committee report, and shall be entered in the daily journal.

10. Standing committees shall take final action in reporting bills at regularly scheduled committee meetings only.

11. In reporting bills to the Legislature, whether with or without amendments, a standing committee shall recommend (a) that the bill reported be placed on the general file for the consideration of the Legislature, or (b) that the bill reported be indefinitely postponed.

12. If the standing committee report on a bill be to indefinitely postpone, the bill shall stand indefinitely postponed, subject to reconsideration in the manner provided by the rules of the Legislature.

13. The time of the meetings of standing committees shall be at 2 p. m., unless otherwise ordered by the Legislature.

14. The Committee on Enrollment and Review shall be a privileged committee, and shall be in order at any time in reporting bills which have been engrossed for third reading and final passage.

RULE VIII

Order of Business

1. The order of business of the Legislature shall be as follows:
   a. Prayer by the Chaplain.
   b. Roll call.
   c. Call for correction of the journal.
   d. Petitions and memorials.
   e. Notice of committee hearings.
   f. Report of standing committees.
   g. Report of select committees.
   h. Resolutions.
   i. Introduction of bills.
   j. Bills on first reading by title.
   k. Bills on second reading by title.
   l. Bills on third reading.
   m. Special order of the day.
   n. Consideration of bills on select file.
   o. Consideration of bills on general file.
   p. Unfinished business, including messages on the President's desk.
   q. Miscellaneous business.

2. The unfinished business in which the Legislature was engaged at the adjournment of the last preceding sitting shall have the preference in the special order of the day.

3. The hour of meeting of the Legislature shall be at 9:00 a. m. of each legislative day; hour of adjournment shall not be later than 1:00 p. m., unless otherwise ordered by the Legislature.

4. Each day except Saturday and Sunday shall be considered a legislative day, unless otherwise specifically ordered by the Legislature.

RULE IX

Daily Journal

1. A daily journal of the proceedings of the Legislature, as prepared by the Clerk, shall be printed and placed each day upon the desks of the members; and the presiding officer shall call in the regular order for corrections thereof. After corrections, if any, are made, the journal shall stand approved without motion.

2. The bound journal of the session shall be printed from the corrected daily journal.

3. Additional copies of the daily journal, to be mailed out at his direction, shall be supplied for the use of each member, in such manner as shall be provided by the Legislature.

4. In addition to the title, only such parts of a bill as shall be affected by proposed amendments shall be entered in the daily journal.

RULE X

Manner and Record of Voting

1. All votes shall be taken viva voce. Questions shall be distinctly put in this form, to-wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'no'."

2. If a division is called for or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the "electric roll call system".

3. Any member may call for the ayes and nays upon any question, and upon the declaration of the ayes and nays by the members, the record thereof shall be made and taken upon the "electric roll call system", unless the Legislature by a majority vote decides that a roll call shall be taken.

4. In taking the ayes and nays, and upon the call of the Legislature, the members shall register their vote upon the "electric roll call system". When the ayes and nays are taken upon any question in the manner heretofore indicated, no member shall be permitted to vote after the decision is announced from the chair.

5. In all instances where the vote necessary to adopt a motion or other proposition is other than that of a majority voting upon the question, the presiding officer shall, unless the Legislature by unanimous vote decides otherwise, cause the result thereof to be obtained by means of the "electric roll call system".

6. Any member may demand the verification of the vote on roll call. Provided that on the final passage of bills the verification shall always be made.

7. A call of the Legislature must be seconded by at least five members. Thereupon, and upon call of the presiding officer, each member present shall indicate his presence upon the "electric roll call system". The Clerk shall note the names of the absentees. A majority of the members present, if five in number, may compel the presence of all members subject to a call of the Legislature. The proceedings under the call may be suspended at any time by a majority vote of the members present, and when so suspended shall not again be ordered on the proposition pending except by a majority vote of the members present and voting thereon.

8. Any member may call for a division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert.

RULE XI

Motions and Their Precedence

1. When a motion has been made and seconded, the presiding officer shall state it, or being in writing, shall cause it to be read aloud by the Clerk before being debated.

2. Every motion shall be reduced to writing, if the presiding officer or any member desires it.

3. After a motion has been stated by the presiding officer, or read by the Clerk, it shall be deemed in possession of the Legislature, but may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider which shall not be withdrawn without leave.

4. When a question is under debate no motion shall be received but (a) to adjourn; (b) to lay on the table; (c) for the previous question; (d) to postpone to a certain time; (e) to commit or amend; (f) to postpone indefinitely; except that motions to indefinitely postpone and amend do not yield to each other; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a certain time, to commit or to postpone indefinitely, being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

5. A motion to strike out the enacting clause of a bill shall have precedence over a motion to amend, and if carried, is equivalent to rejection of the bill.

6. A motion to adjourn, or a motion to fix the day to which the Legislature shall adjourn shall always be in order, except:

a. While a member is speaking.
b. When a motion to adjourn has just been defeated.
c. When a motion to fix the day to which the Legislature shall adjourn has just been defeated.
d. After the third reading of a bill and during roll call thereon.

7. Pending a motion to suspend the rules, the presiding officer may entertain one motion to adjourn, but after the result thereon is announced he shall entertain no other motion until the vote has been taken on suspension.

8. The hour at which the Legislature adjourns shall be entered in the daily journal.

RULE XII

Bills—General Provisions

1. When the introduction of bills is called for any member or standing committee may introduce one or more bills.

2. Members shall introduce such bills only as they are willing to personally endorse and support.

3. Bills shall be given preference on the general file in the order in which they shall be reported from the standing committees, and no change shall be made in such order, except by a majority vote of the elected members.

4. In the consideration of bills on general or select file, amendments offered, but not adopted, shall not be entered in the journal except where a record vote is demanded.

5. Every bill shall receive three readings previous to its passage, by title when first introduced, likewise by title upon a legislative day subsequent to its introduction, and the bill and all amendments thereto shall be read at large before the vote is taken upon its final passage.

6. After the second reading of a bill a printed copy thereof shall be provided for the use of each member of the Legislature.

7. An amendatory bill shall be so prepared and printed as to

show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes.

8. All bills before being advanced to third reading and final passage shall be engrossed by typewriter, and if amended, shall be reprinted in the manner prescribed in the preceding section, and copies thereof shall be supplied for the use of the members.

9. Upon the final passage of a bill, or of a resolution if the same require the same consideration as a bill, the vote shall be by yea and nay, and this rule shall not be suspended.

10. The question after the third reading of a bill shall be: "All provisions of law relative to procedure having been complied with, the question is 'shall the bill pass?' " If the emergency clause is contained in the hill, the words "with the emergency clause attached" shall be added to the question.

11. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on third reading, then the emergency clause shall be considered stricken and the bill without the emergency clause shall be pending on its third reading.

12. Upon the day of receipt of a message from the Governor announcing his veto of a bill, or on either of the next five legislative days, any member may move that the bill so vetoed be taken up for passage. Whereupon, the question shall be "shall the bill pass, notwithstanding the objection of the Governor?"

13. The general appropriation bills, necessary for the support of the state government for the biennium, shall take precedence over all other bills on the general file.

14. It shall require a vote of a majority of the members elected to expend money by the Legislature or to change the compensation of any officer or employee.

15. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contains the section or sections, as amended and the section or sections so amended shall be repealed.

16. No bills shall be introduced after the twentieth legislative day, except upon the recommendation of the Governor, or in the manner defined in Sections 7 and 8, of Rule VII.

17. A bill shall be referred to as Legislative Bill No. .....

RULE XIII

Bills—Stages in Consideration

1. Introduction and first reading.

2. Second reading and reference to standing or select committee.

3. Consideration by standing or select committee, together with desired committee hearings.

4. Report by standing or select committee, and reference to the general file.

5. Consideration and general debate by the Legislature, wherein each section shall be open to amendment as read, and the amendments, if any, recommended by the standing committee shall first be considered for adoption or rejection, after which other amendments may be offered.

6. Reference to the Committee on Enrollment and Review for recommendations relative to arrangement, phraseology and correlation, unless indefinitely postponed or recommitted to a standing committee.

7. Report by the Committee on Enrollment and Review and reference to the select file.

8. Consideration a second time by the Legislature, in review, wherein any of the following motions shall be in order:

   a. A motion to approve or reject any or all of the changes recommended by the Committee on Enrollment and Review.

   b. A motion to agree to any specific amendment clearly intended to correct an error.

   c. A motion to adopt a unanimous consent amendment, to which no objection shall be offered.

   d. A motion to recommit to the proper standing committee.

   e. A motion to recommit to the general file for one or more specific amendments.

   f. A motion to indefinitely postpone.

   g. Provided, no bill shall be considered on select file until three legislative days after its reference from the general file to the Committee on Enrollment and Review.

9. Re-reference to the Committee on Enrollment and Review for engrossment, unless recommitted to a standing committee or indefinitely postponed.

10. Report by the Committee on Enrollment and Review and reference to the third reading file, or to select file for specific amendment.

11. Consideration on third reading and final passage; provided that at any time before the roll call shall have begun on the third reading of the bill it shall be in order to move:

a. To recommit the bill to the Committee on Enrollment and Review to correct an error, and for re-engrossment.

b. To recommit the bill to the proper standing committee, with or without instructions.

c. To recommit to select file for specific amendment.

12. No bill shall be placed upon third reading and final passage until—

a. Five legislative days after the initial reference to the Committee on Enrollment and Review.

b. Two legislative days after its reference to third reading file.

c. Printed copies of the bill in its final form, as amended shall have been available to members and on their desks for at least one legislative day.

RULE XIV

Amendments

1. When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

2. Amendments to the title shall not be in order during the consideration of a bill or resolution on general or select file until the bill or resolution shall have been considered in full.

3. When an amendment proposed to any pending measure is laid on the table, it shall not carry with it, or prejudice such measure.

4. When the Legislature is considering bills on either general or select file, after giving consideration to standing committee amendments, it shall give preference to such amendments as may have been on file with the Clerk, with copies on the members' desks for one legislative day in advance.

5. No motion or proposition, or subject different from that under consideration shall be admitted under color of amendment.

6. No bill or resolution shall at any time be amended by annexing thereto, incorporating therewith, or substituting therefor, any other bill or resolution before the Legislature.

RULE XV

Resolutions

1. Resolutions which propose amendments to the state constitution; propose the ratification of amendments to the federal constitution; provide for the grant of money out of the contingent or any other fund, or require the approval of the Governor shall be considered in the same manner as that adopted for the consideration of bills.

2. All other resolutions, except by the unanimous consent of the members present and voting, shall lie over for consideration until the next legislative day.

3. When called up for consideration on the second legislative day after its introduction, any such resolution shall be referred to the proper standing committee, if as many as five members object to its immediate consideration at that time.

4. A resolution shall be referred to as Legislative Resolution No. .....

RULE XVI

Petitions and Memorials

1. Every petition, or memorial, or other paper shall be referred to the proper committee without putting a question for that purpose, unless the reference be objected to by any member at the time such petition, memorial, or other paper is presented, in which case the Legislature shall decide the question of reference without debate.

2. Before any petition or memorial addressed to the Legislature is received and read at the table, whether the same be presented by

the presiding officer or a member, a brief statement of the contents of the petition or memorial may be verbally made by the introducer.

RULE XVII

The Previous Question

1. The previous question shall be in this form: "Shall the debate now close?"

2. It shall be admitted when demanded by five or more members and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in Section 5 of this rule, preclude further debate and all amendments and motions, except one motion to adjourn and one motion to lay on the table.

3. On a previous question there shall be no debate, all incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

4. A call of the Legislature shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the presiding officer that a quorum is not present.

5. When the previous question shall have been ordered on a proposition under debate, the mover, proponent or introducer of such proposition shall be given the right to close the debate thereon.

RULE XVIII

Reconsideration

1. When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member voting with the prevailing side or not voting to move a reconsideration thereof on the same day or on either of the next two legislative days; and if the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

2. Every motion to reconsider shall take precedence of all other questions except a motion to adjourn.

3. For its adoption a motion to reconsider shall require the vote of a majority of the elected members, except where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a third reading, then a three-fifths vote shall be required for adoption.

RULE XIX

Special Order and Adjournment

1. When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on the general file.

RULE XX

Questions and References

1. The Lieutenant Governor, the Speaker, and the Chairman of the Committee on Committees shall constitute the Reference Committee for the assignment of bills and resolutions to the various standing committees.

2. Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature ou any legislative day immediately following corrections of the daily journal, by unanimous consent, or by the vote of a majority of the elected members.

3. When motions are made for reference of the same subject to a select committee and to a standing committee, the question ou reference to the standing committee shall be put first.

RULE XXI

Communications from the Governor

1. Messages from the Governor may be received at any stage of the proceedings, except when a question is being put, the yeas and nays are being called for, the ballots are being counted, or a question of order or a motion to adjourn is pending.

2. All nominations made to the Legislature by the Governor requiring confirmation by the Legislature shall be referred to the Committee on Committees and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

RULE XXII

Questions of Privilege

Questions of privilege shall be, first, those affecting the rights of the Legislature collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members, individually, in their representative capacity only; and shall have precedence of all other questions, except motions to adjourn.

RULE XXIII

Privileges of the Floor

No person shall be admitted to the floor of the Legislature except the following:

Members of the Legislature, officers and employees

State officers, their deputies and clerks

Judges of the Supreme Court

Judges of the District Courts

Senators and Representatives in Congress

Reporters of regularly accredited newspapers and broadcasting stations

and such other persons as the Legislature may deem proper to admit.

RULE XXIV

Suspension of Rules

These rules may be suspended by a two-thirds majority vote of the elected members, and may be amended by a three-fifths majority vote of the members elected. Provided any proposed amendment must first be referred to the Committee on Rules for consideration and report.

RULE XXV

Gregg's Parliamentary Law

The rules of parliamentary practice comprised in Gregg's Parliamentary Law shall govern the Legislature in all cases to which they are applicable, and in which they are not inconsistent with the standing rules of the Legislature.

LEGISLATIVE JOURNAL

FIFTY-FOURTH (EXTRAORDINARY) SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska,
Tuesday, January 2, 1940.

Pursuant to a proclamation by His Excellency, R. L. Cochran, Governor of the State of Nebraska, the fifty-fourth (extraordinary) session of the Legislature of Nebraska assembled in Legislative Hall of the capitol building at the hour of ten o'clock a. m. January 2, 1940, and was called to order by Lieutenant Governor William E. Johnson.

Prayer was offered by The Reverend L. L. Chambers, Chaplain.

The roll was called and the following members were present:

Ernest A. Adams	George B. Gross	William J. Norman
John Adams, Jr.	Peter P. Gutoski	Carl H. Peterson
Hugh B. Ashmore	Leland R. Hall	Joseph C. Reavis
Frank J. Brady	Charles R. Herrick	James E. Reed
Emil E. Brodecky	R. M. Howard	J. B. Rossiter
John S. Callan	Richard N. Johnson	Edwin Schultz
Swan Carlson	A. M. Johnston	Frank Sorrell
Fred L. Carsten	Sam Klaver	Amos Thomas
George I. Craven	Tom Lambert	J. Lyndon Thornton
W. H. Diers	John E. Mekota	Charles F. Tvrdik
John F. Doyle	A. L. Miller	A. C. Van Diest
Lester L. Dunn	Martin J. Mischke	E. M. Von Seggern
Harry E. Gantz	L. B. Murphy	M. E. Westley
Daniel Garber	E. M. Neubauer	

Member Excused

Mr. Amos Thomas announced that he had received a telegram from Mr. Fred A. Mueller and asked that Mr. Mueller be excused.

So ordered.

Gavel Presented to President

Mr. Richard N. Johnson presented President William E. Johnson with a gavel, made especially for this occasion by Robert M. Sorenson, a member of Boy Scout Troop 105, Fremont, Nebraska.

Permission Granted to Radio Station

Speaker Diers announced that Radio Station KFAB had asked permission to install a radio sending station in the legislative chamber to broadcast the message of the Governor. Mr. Schultz moved that such permission be granted and the motion prevailed.

The Clerk of the Legislature read the following:

Letter From the Governor

December 27th, 1939.

Mr. Hugo F. Srb
Clerk of the Legislature
State House
Lincoln, Nebraska.

Dear Mr. Srb:

Enclosed you will please find a copy of a proclamation I have issued calling an extraordinary session of the Nebraska Legislature to convene on Tuesday, January 2nd, 1940, in the State Capitol at ten o'clock a. m. This is in conformity with the State Constitution and is supplied you for your files as a matter of record.

Very sincerely yours,
(Signed) R. L. Cochran
Governor

PROCLAMATION OF THE GOVERNOR

Executive Office, Lincoln, Nebraska

By virtue of the authority vested in the Governor by Section 8 of Article IV of the Constitution of Nebraska, I, R. L. Cochran, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, hereby call the Legislature of Nebraska to convene in

extraordinary session at 10 o'clock a. m., Tuesday, January 2nd, 1940, for the purpose of considering the passage of legislation relating to the following subjects, to-wit:

1. To appropriate any revenues accruing to the state assistance fund under existing statutes in excess of the amounts heretofore appropriated.

2. To amend the statutes to provide for the service of process on the State of Nebraska and governmental agencies created by the state and to invest the courts with jurisdiction in claims for compensation benefits under the Workmen's Compensation Act against the state and governmental agencies created by the state.

3. To so amend the Nebraska unemployment compensation law as to make it harmonize with the federal social security act as amended under the 1939 federal legislation.

4. To amend the state assistance laws so as to provide a method for releasing of liens filed against real estate of recipients and to clarify the time when and the conditions under which the lien now provided by statute attaches.

5. To clarify the present statutes with reference to responsibility for burial of indigent persons.

WITNESS MY HAND AND SEAL this 26th day of December, 1939.

(Signed) R. L. Cochran
Governor

Letter From the Governor

January 2, 1940.

Mr. Hugo F. Srb,
Clerk of the Legislature,
Lincoln, Nebraska.

Dear Mr. Srb:

There is a question about the necessity of including in the call of the Legislature for an extraordinary session the subject of appropriations for expenses of the session. That there may be no doubt in the minds of anyone as to the authority of the Legislature to make appropriations for the expenses of the session, I am hereby stating this as one of the purposes of the call.

Very sincerely yours,

(Signed) R. L. Cochran

Governor

The President declared the fifty-fourth (extraordinary) session of the Nebraska State Legislature duly convened and ready to transact business.

Rules of the Legislature

The President announced that, without objection, the rules of the last regular session would govern the extraordinary session and all Standing Committees of the last session would continue during the present session.

There being no objection, it was so ordered.

MOTION—Committee on Credentials

Mr. President: I move that a committee of three be appointed on Credentials. (Signed) Murphy.

The motion prevailed and the President appointed the following members to serve on said Committee:

Murphy, Chairman Brodecky Neubauer

MOTION—Committee to Notify Governor

Mr. President: I move that the President appoint a committee of three to notify the Governor that the Legislature is now organized and ready to receive any communications. (Signed) Diers.

The motion prevailed and the President appointed the following members to serve on said Committee:

Diers, Chairman Carlson Doyle

LETTER—From Secretary of State

January 2, 1940.

Mr. Hugo Srb,
Clerk of the Legislature
Building.

Dear Mr. Srb:

We hand you herewith Certificate of the Secretary of State certifying as to the appointment of Mr. Ray Thomas to fill the vacancy in the Twenty-fifth Legislative District, in accordance with the provisions of Chapter 32-1705 of the 1939 Cumulative Supplement to the Compiled Statutes of Nebraska, 1929.

Very truly yours,
(Signed) Donald E. Devries
Deputy Secretary of State

DED:EN

CERTIFICATION

Harry R. Swanson
Secretary of State

Donald E. Devries
Deputy

State of Nebraska

Department of State

I, Harry R. Swanson, Secretary of State of the State of Nebraska, do hereby certify that on January 2, 1940, R. L. Cochran, the duly elected, qualified, and acting Governor of the State of Nebraska transmitted to this office the appointment of Ray Thomas as a Member of the Legislature for the Twenty-fifth Legislative District, to fill a vacancy existing in the representation of said District, for the unexpired term, which said appointment has been placed on file in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this 2nd day of January in the year of our Lord, one thousand nine hundred and forty.

Harry R. Swanson,
Secretary of State

(Signed) Donald E. Devries
Deputy

Seal

REPORT—Committee on Credentials

Mr. President: Your Committee on Credentials hereby reports that the following named gentleman is entitled to a seat in this body:

Ray Thomas, 25th District, Hamilton, Polk, Clay Counties.

(Signed) Murphy

MOTION—To Adopt Report

Mr. President: I move that the report of the Committee on Credentials be adopted. (Signed) Murphy.

The motion prevailed.

MOTION—Committee to Escort Chief Justice

Mr. President: I move that the President appoint a committee of three to escort the Chief Justice to the Legislative Chamber for the purpose of giving the oath of office to the new member. (Signed) Westley.

The motion prevailed and the President appointed the following members to serve on said Committee:

Westley Reavis Amos Thomas

MOTION—Committee to Escort New Member

Mr. President: I move that the President appoint a committee of three to escort the new member to the rostrum. (Signed) Tvrdik.

The motion prevailed and the President appointed the following members to serve on said Committee:

Tvrdik Hall Dunn

The committee to escort the Chief Justice retired and subsequently returned escorting the Chief Justice.

The committee to escort the new member retired and subsequently returned escorting Mr. Ray Thomas.

The following oath of office was administered by the Chief Justice:

MEMBER'S OFFICIAL OATH

State of Nebraska :
County of Lancaster : ss.

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence, for any vote I may give or withhold on any bill, resolution, or appropriation, so help me God.

(Signed) Ray Thomas

Subscribed in my presence and sworn to before me this second day of January 1940.

(Signed) Robert G. Simmons
Chief Justice of Supreme Court
of Nebraska

Seal

The committees, respectively, escorted the Chief Justice to his official chamber and the new member to his seat in the Legislature.

Mr. Dunn addressed the members briefly concerning Mr. Thomas' past service in the Legislature.

The President introduced Mr. Ray Thomas to the legislative body and Mr. Thomas addressed the members briefly.

MOTION—To Appoint New Member on Committees

Mr. President: I move that the new member, Mr. Ray Thomas, be appointed on the committees served by his predecessor, Mr. Jay Hastings, and that, with this exception, the membership on all standing committees be the same as during the regular session. (Signed) John Adams, Jr.

The motion prevailed, and Mr. Thomas was appointed to serve on the Education, Government and Revenue Committees.

REPORT—Committee to Notify Governor

The Committee to Notify the Governor returned escorting Governor R. L. Cochran, who delivered the following:

MESSAGE TO THE LEGISLATURE

January 2, 1940.

Mr. President and Members of the 54th Session
of the Legislature of Nebraska:

The primary purpose of this extraordinary session of the legislature, as expressed to you in my letter of November 1st proposing a special session, and as discussed subsequently with the Legislative Council, is to appropriate for state assistance any excess of collections of revenue above and beyond the appropriation made by you at the recent regular session. Another drouth, since adjournment of the regular session, a trend toward higher commodity prices as a result of war abroad adding to the cost of living, the difficulty being experienced by counties in meeting their relief responsibilities, and the conviction that, rather than create a surplus in state relief funds at a time when the avoidance of human suffering compelled us to accept the maximum amount of federal assistance possible, all revenue collected for assistance should be made available during the biennium in which collected—for these reasons it appeared desirable that this matter receive the consideration of the legislature.

Obviously, a special session should not be called and the expense incident thereto be incurred without a reasonable probability that a sufficient number of the members of the legislature favored the enactment of legislation necessary to make such surplus available immediately. It was for this reason that I wrote each member to inquire whether he favored appropriating the excess collections, estimated, on the basis of careful calculations, at a half million dollars, which, matched with fed-

eral funds, would make approximately one million dollars of additional assistance funds available during the biennium.

The replies I received indicated that a substantial majority of the members of the legislature favored a special session for this purpose. However, some replies expressed doubt that it was reasonable to expect the collection of half a million dollars in excess of the appropriation. Because of this doubt, it was felt by your governor that a joint meeting with your Legislative Council to discuss this matter was desirable and I addressed a letter to Senator Thomas, Chairman of the Council, which read in part as follows:

"Obviously no one can say what amount of money will be collected for assistance during this biennium with absolute certainty any more than it can be said what amount will be collected in property taxes or any other taxes, the income from which is used to meet appropriations made for the biennium.

"In order to clarify this matter, it has occurred to me that it might be helpful if the Legislative Council would go over this matter with me to the end that we might reach a final judgment on what could reasonably be expected in the way of revenue during the biennium from the various sources for state assistance. Suggestion has been made that any increase, if appropriated, should apply particularly to the winter months and a discussion along this line might be mutually advantageous as between the executive and the legislative council representing the legislative branch. I feel that such a conference would serve a constructive purpose."

Conferences were held on December 18th and 19th, and following them the Legislative Council adopted the following resolutions:

"Mr. Chairman: I move that, based upon past collections from sources for state assistance during the past biennium and so far the present biennium, it is the opinion (judgment) of the Legislative Council that the sum of $480,000.00 can reasonably be expected to be collected from these sources during the biennium, over and above the amount now appropriated for the biennium for that purpose.

"Mr. Chairman: I move that the Legislative Council hereby recommends that a special session of the Legislature be called for the purpose of increasing the appropriation for assistance activities, and for the consideration of such other matters as the governor may consider necessary at such special session.

"Mr. Chairman: I move the appointment of a committee of three from this Council to cooperate with the governor in the preparation of the necessary bills, prior to the convening of the special session, if one is called."

In view of this unanimity of opinion between the legislature, as represented by your Council, and the governor, I issued a call for an extraordinary session of the Legislature to consider not only the assistance appropriation but also certain related items and other matters of an emergency nature that arose subsequent to the adjournment of the regular session.

The items related to the subject of assistance include the provision for liens against real estate owned by recipients of assistance, and the provision for the expense of burial of such recipients. With regard to the former, it has been found since you adjourned in June that the law makes no provision for the release of liens filed by the state against real estate owned by those on the assistance rolls. It can readily be seen that a condition of this kind ought to be rectified in the interest of justice and equality, and also in order to avoid chaotic conditions with respect to the abstracting of real estate titles.

While there appears to be no doubt that the Legislature intended to provide that the counties should bear the expense of burial of the indigent, there is, in the opinion of the attorney general, great doubt as to the sufficiency of the law to accomplish this purpose. Because of this, I have included in the call provision for clarifying the present statutes with reference to responsibility for the burial of indigent persons.

As a result of a recent decision of the Nebraska Supreme Court, it becomes necessary to amend the statutes to provide for the service of process on the State of Nebraska and governmental agencies created by the state and to invest the courts with jurisdiction in claims for benefits under the Workmen's Compensation Act against the state and governmental agencies created by the state.

Without such amendment, public employees would be barred, by a technicality, from receiving compensation benefits. This would be contrary to the intent of the law. Certain it is that public employees should be given the same advantages that are extended to private employees, particularly since these advantages are provided for by law.

Since the adjournment of the legislature, the Congress of the United States has changed the social security act with reference to unemployment compensation, in important respects. The principal amendments provide that salaries in excess of $3,000.00 are exempt from the operation of the law, and that national banks and certain other instrumentalities of the government be included in the operation of the act. In justice both to employes and to employers our unemployment compensation law should be made to harmonize with the federal law as amended by the 1939 federal legislation.

It is fortunate that in Nebraska the state expenditures for the ad-

ministration of the assistance program have been held to a very low minimum. The law limits the cost of state administration to two per cent. In actual practice, however, the cost of state administration of the assistance program is only 1.44 per cent, well below the maximum permitted by law. Thus, those in need are benefited to the greatest extent possible.

I wish to emphasize that making available all assistance revenue for use during this biennium will not involve any increase in taxation. The suggested legislation merely contemplates the making available for old age assistance and for aid to dependent children all of those funds being contributed for those purposes by the taxpayers of the state. A measure of tax relief will be provided by the enactment into law of the amendments to the unemployment compensation act, because this will permit Nebraska employers to take advantage of benefits conferred by federal law.

Requests have been made for the inclusion in the call of many other items. I felt, however, that at an extraordinary session of the Legislature consideration should be given only to those matters which, because of changed conditions since the regular session, are of such an emergency nature as to warrant a special session.

The committee of the Legislative Council appointed to cooperate in drafting bills consisted of Senator Callan, Chairman, Speaker Diers and Senator Hall. Under the direction of this committee and the governor, with the assistance of the attorney general's office and other counsel employed by the state, bills have been prepared covering the subjects contained in the call. I am submitting these measures herewith and I recommend their passage. A humanitarian purpose will be served by the early enactment of the measure making additional assistance funds available during the winter months. The month of January is one of the most severe, and is already at hand. The department of assistance is of the opinion that it will be possible to increase the individual assistance allotments for the month of January provided the consideration of this measure is completed by January 10th. The emergency character of the other proposals submitted for your attention likewise makes their speedy enactment most desirable. I therefore urge that these matters receive your expeditious consideration consistent with proper deliberation.

Respectfully submitted,

(Signed) R. L. Cochran,
Governor.

Communication

The Clerk read a letter from Chancellor C. S. Boucher of the Uni-

versity of Nebraska setting out the basketball schedule and enclosing two tickets for each member.

MOTION—Clerk to Furnish Supplies

Mr. President: I move that the Clerk be authorized to furnish supplies for the Legislature. (Signed) Garber.

The motion prevailed.

MOTION—Stamps for Members

Mr. President: I move that each member of this body be furnished postage stamps in the same amount per diem as during the regular session. (Signed) Van Diest.

The motion prevailed.

MOTION—Committee to Consult Attorney General

Mr. President: I move that the Chair appoint a committee of three to consult the Attorney General regarding the subject of appropriations contained in the Governor's letter of January 2, 1940. (Signed) Rossiter.

The motion prevailed and the President appointed the following members to serve on said committee:

Rossiter Ashmore Schultz

Committee Meetings

Mr. Carsten requested the Committee on Legislative Administration to meet immediately upon recess by the body.

Mr. Amos Thomas requested the Committee on Judiciary to meet immediately upon recess by the body.

Recess

At 11:20 a. m. on motion by Mr. Carsten the Legislature recessed until 2:00 p. m.

After Recess

The Legislature reconvened at 2:00 p. m. President Johnson presiding.

The roll was called and all members were present except Mr. Mueller who was excused.

RESOLUTIONS

LEGISLATIVE RESOLUTION NO. 1. In Memory of Jay Hastings.

Jay Hastings, of Osceola, Polk County, Nebraska, a member of this body, died at Omaha on the Fourteenth day of November 1939.

He was sixty-six years of age at the time of his death and had served Nebraska as a Legislator during the bicameral session of 1935, and the unicameral session of 1939.

WHEREAS, the sudden death of Jay Hastings has brought to his many friends in Nebraska, and particularly to his associates in the Legislature, a feeling of sadness and regret, and it is the desire of this body to render tribute to his memory, NOW, THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA IN FIFTY-FOURTH (EXTRAORDINARY) SESSION ASSEMBLED:

1. That this Legislature pause for a moment in its deliberations to do reverence and pay tribute to the memory of Jay Hastings, a distinguished and useful public servant, both in his own community and as an able and energetic member of this body—highly sympathetic to the needs of the aged and unfortunate, a militant crusader for, and defender of, the rights of the common people.

2. That the deepest sympathy is hereby tendered to the bereaved family of the deceased; that a copy of this resolution be spread at large upon the Legislative Journal; and that a copy of this resolution, properly authenticated and suitably engrossed, be, by said Clerk, sent to the family of Jay Hastings, as a lasting memorial and testimonial of the appreciation of this state for his service as a citizen and a Legislator, and as a mark of the love and esteem which he held in the hearts of his associates.

Harry E. Gantz,
Chairman
Swan Carlson
Sam Klaver
Frank Sorrell
M. E. Westley

MOTION—To Suspend Rules and Adopt Resolution

On motion by Mr. Gantz the rules were suspended and the resolution adopted by a vote of 40 ayes, no nays, 3 not voting.

The Legislature paused in its deliberations for a moment to pay silent tribute to the memory of Mr. Hastings.

The Legislature was at ease for fifteen minutes.

BILLS ON FIRST READING

The following bills were read the first time by title:

LEGISLATIVE BILL NO. 1. By Callan of Gage, Diers of York, Hall of Adams.

A Bill for an Act appropriating to the Board of Control of state institutions for the State Assistance Fund for the unexpired portion of the biennium ending June 30, 1941, revenues arising and accruing under existing statutes in excess of the amount heretofore appropriated, providing for what purposes and in what manner the same may be distributed and how much distributions may be accommodated to the need of recipients during the winter months, to amend Section 68-260 Compiled Statutes, Supplement 1939, and to repeal said original section, and to declare an emergency.

LEGISLATIVE BILL NO. 2. By Callan of Gage, Diers of York, Hall of Adams.

A Bill for an Act to amend Sections 68-268, 68-270, 68-413 and 68-416 Compiled Statutes, Supplement 1939, relating to public welfare, social security and to liens upon the property of recipients of assistance; to fix the time when such liens shall attach; to provide how they may be released; to repeal said original sections and to declare an emergency.

LEGISLATIVE BILL NO. 3. By Callan of Gage, Diers of York, Hall of Adams.

A Bill for an Act to amend Sections 68-266, 68-410 and 43-518 Compiled Statutes, Supplement 1939, relating to public welfare and social security; to provide that reasonable funeral and burial expenses for dependent children and recipients of old age assistance and blind assistance upon death, shall be paid by the county boards of the proper counties from money other than that received from the state assistance fund; to repeal said original sections and to declare an emergency.

LEGISLATIVE BILL NO. 4. By Callan of Gage, Diers of York, Hall of Adams.

A Bill for an Act to provide in what manner, and in what court, suits shall be brought against the state and governmental agencies created by the state, upon claims for compensation benefita under the Nebraska workmen's compensation law; to provide for service of summons upon the state in such suits; and to declare an emergency.

LEGISLATIVE BILL NO. 5. By Callan of Gage, Diers of York, Hall of Adams.

A Bill for an Act to amend Section 48-702 of the Compiled Statutes, Supp., 1939, relating to labor and unemployment compensation, to repeal said Section 48-702 of the Compiled Statutes, Supp., 1939, as now existing, and to declare an emergency.

MOTION—To Suspend Rules and Read Second Time

Mr. President: I move that the rules be suspended and that Legislative Bills numbered 1, 2, 3, 4 and 5 be read the second time. (Signed) Callan, Diers.

The motion prevailed with 42 ayes, no nays, 1 not voting.

BILLS ON SECOND READING

The following bills were read the second time by title:

(For titles see Bills on First Reading)

L.B. No.	Introducer	Committee Reference
1	Callan, Diers, Hall	Appropriations
2	Callan, Diers, Hall	Government
3	Callan, Diers, Hall	Public Health and Miscellaneous Subjects
4	Callan, Diers, Hall	Judiciary
5	Callan, Diers, Hall	Public Works

MOTION—To Suspend Rules on Notice of Hearings

Mr. President: I move that we suspend the rules and dispense with the usual five days notice of hearing on L. B. 1, 2, 3, 4 and 5. (Signed) Gutoski.

The motion prevailed with 41 ayes, no nays, 2 not voting.

NOTICE OF COMMITTEE HEARINGS

Appropriations

L. B. No. 1, Friday, January 5, 1940, 2:00 p. m.

Government

L. B. No. 2, Friday, January 5, 1940, 10:00 a. m.

Public Health and Miscellaneous Subjects

L. B. No. 3, Friday, January 5, 1940, 3:00 p. m.

Judiciary

L. B. No. 4, Thursday, January 4, 1940, 2:00 p. m.
in Supreme Court Commission Room.

Public Works

L. B. No. 5, Wednesday, January 3, 1940, 2:00 p. m.

MOTION—To Call Mr. Vandemoer and Mr. Eubank

Mr. President: I move that Mr. Vandemoer and Mr. Eubank be called before this body to discuss the assistance program Thursday at 10:30 a. m. (Signed) Callan.

The motion prevailed.

Adjournment

At 3:00 p. m. Mr. Schultz moved that the rules be suspended and that the Legislature adjourn until Wednesday, January 3, at 10:00 a. m.

The motion prevailed with 38 ayes, no nays, 5 not voting.

Hugo F. Srb,
Clerk of the Legislature.

SECOND DAY

Legislative Chamber, Lincoln, Nebraska,
Wednesday, January 3, 1940.

The Legislature met at 10:00 a. m. President Johnson presiding.

In the absence of the Chaplain who was ill, prayer was offered by The Reverend Wm. G. Rembolt of Lincoln, Nebraska.

The roll was called and all members were present except John Adams, Jr. and Mr. Mueller who were excused.

The Journal for the first day was approved.

Communications

Mr. Amos Thomas presented to the members a Comparative Statement concerning the State Assistance Fund, which was discussed by the members.

At 10:20 a. m. the President declared the Legislature at ease.

At 11:07 a. m. the President called the Legislature to order.

Communications

Mr. Amos Thomas presented to the members a copy of the Journal of the Nebraska Legislative Council for its meeting held on January 1st, 1940.

Notice of Public Hearing

Mr. Howard announced that the meeting of the Committee on Public Works would be held in the Old Senate Chamber at 2:00 p. m. instead of the Lounge.

Adjournment

At 11:15 a. m. Mr. Schultz moved that the rules be suspended and that the Legislature adjourn until Thursday, January 4, at 10:00 a. m.

The motion prevailed with 37 ayes, no nays, 6 not voting.

Hugo F. Srb,
Clerk of the Legislature.

THIRD DAY

Legislative Chamber, Lincoln, Nebraska,
Thursday, January 4, 1940.

The Legislature met at 10:00 a. m. President Johnson presiding.

Prayer was offered by The Reverend Wm. G. Rembolt.

The roll was called and all members were present.

Mr. Van Diest was excused to attend a hearing in the Department of Irrigation.

The Journal for the Second Day was approved.

Communications

A letter was read from a teacher in the Dorchester High School.

STANDING COMMITTEE REPORT

Public Works

LEGISLATIVE BILL NO. 5. Placed on General File.
(Signed) R. M. Howard, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION NO. 2. **In Memory of George H. Heinke**

Mr. George Henry Heinke, Republican of Nebraska City, Nebraska was born on a farm near Dunbar, Nebraska, June 22, 1882; worked his way through college for six years; received his A. B. Degree in 1907 and L. L. B. Degree in 1908 from the University of Nebraska; Attorney at Law, in Nebraska City, Nebraska for 30 years; County Attorney of

Otoe County, Nebraska from 1919 to 1923 and again 1927 to 1935. He was elected to the Seventy-sixth Congress on November 8, 1938, and died January 2, 1940.

"We cannot say, and we will not say
That he is dead,—he is just away!
With a cheery smile, and a wave of the hand,
He has wandered into an unknown land,

And left us dreaming how very fair
It needs must be, since he lingers there,
And you—Oh you, who the wildest yearn
For the old-time step and the glad return,—

Think of him faring on, as dear
In the love of there as the love of here;
Think of him still as the same, we say:
He is not dead—he is just away!"

Whereas, the sudden death of Congressman George H. Heinke has brought great sorrow to his friends and constituents of the State of Nebraska it is the desire of this body to render tribute to his memory, and therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA, IN THE FIFTY-FOURTH (EXTRAORDINARY) SESSION ASSEMBLED:

That this Legislature pause for a moment in its deliberations to do reverence and pay tribute to the memory of Congressman George H. Heinke, a distinguished and useful servant both in his own county and the State of Nebraska, as an able and gallant member of Congress. He was very serious in his efforts to carry out his own convictions both in private and public life.

That the deepest sympathy that can be bestowed upon his family is hereby tendered to them; that a copy of this resolution be spread at large upon the Legislative Journal and that a copy of this resolution, properly authenticated and suitably engrossed, by said Clerk of the Legislature be sent to the family of Congressman George H. Heinke of Nebraska City, Nebraska, as a lasting memorial and testimony of the appreciation of this state for his services as a citizen and a lawmaker, and as a mark of the love and great esteem which he held in the hearts of his fellow Nebraskans.

Signed by members of the State Legislature of the First Congressional District.

Frank Sorrell	Joseph C. Reavis
M. E. Westley	Lester L. Dunn
George I. Craven	John S. Callan
Fred L. Carsten	James E. Reed

MOTION—To Adopt L. R. No. 2

Mr. President: I move that the rules be suspended and that Legislative Resolution No. 2 be adopted. Sorrell

The motion prevailed and the resolution was adopted with 38 ayes, no nays, 5 not voting.

The Legislature paused in its deliberations for a moment to pay silent tribute to the memory of Mr. Heinke.

LEGISLATIVE RESOLUTION NO. 3 **Petitioning the Secretary of Agriculture of the United States of America to Institute the "Stamp Plan" for distribution of surplus food commodities in the State of Nebraska as a unit.**

Introduced by Tom Lambert of Platte, E. M. Neubauer of Harlan.

Preamble

WHEREAS, the present system of surplus food distribution in the State of Nebraska is wasteful, costly, inefficient and bunglesome, and in many instances unsanitary, and

WHEREAS, under the present system of distribution of surplus food commodities the consumer is not receiving the proper rations conducive to good health, and

WHEREAS, the United States of America, through the offices of the Department of Agriculture, has adopted a "stamp plan" of surplus food distribution enabling the consumer to purchase food through the regular channels of established wholesale and retail stores, thus making it possible for the consumer to have a bigger selection of food supplies, and also to obtain the proper rations in proper quantities, as need for the food supplies arises, and

WHEREAS, the expense of distribution has, through the "stamp plan" been curtailed and the retail and wholesale grocers have been benefited, at no increased cost to the United States of America or the State of Nebraska, and

WHEREAS, the "stamp plan" has been introduced in a number of towns in the Middle West and has been working satisfactorily and with increased benefits to the consumer and retail grocers, without extra expense to the United States of America or the state where the plan is operating, and

WHEREAS, the Secretary of Agriculture has indicated that he is about to introduce the plan into operation in the cities of Lincoln and Omaha, and

WHEREAS, the entire State of Nebraska as a unit should have the benefit of the "stamp plan"; NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA IN FIFTY-FOURTH (EXTRAORDINARY) SESSION ASSEMBLED:

1. That this Legislature respectfully petitions the Secretary of Agriculture of the United States of America to introduce and place in operation in the State of Nebraska as a unit, the "stamp plan" referred to in the preamble to this resolution, so that all of the citizens of the State of Nebraska, whether in city, town, village or rural community, may receive the benefits of the "stamp plan" as set forth in the preamble of this resolution.

2. That the Clerk of this Legislature is hereby ordered and directed forthwith to forward a copy of this resolution, properly authenticated and suitably engrossed, to the President of the United States; to the Secretary of Agriculture of the United States; and to each of the United States Senators and Congressmen representing the State of Nebraska in the Congress, to the end that the representatives referred to may be advised that this Legislature considers the "stamp plan" of surplus food distribution necessary to the welfare of the citizens of the State of Nebraska, and necessary to the discontinuance of the wasteful, inefficient and bunglesome manner of the present system of surplus food distribution.

SPECIAL ORDER OF THE DAY

At 10:30 a. m. Mr. Eubank and Mr. Vandemoer appeared in the Legislature in response to the motion offered by Mr. Callan and passed on the first day, and a discussion was had on the subject of state assistance in Nebraska.

COMMITTEE MEETINGS

Mr. Brady announced that the Committee on Appropriations would meet immediately after the hearing on L. B. No. 4, in the Governor's Hearing Room.

Mr. Carsten announced that the Committee on Legislative Administration had been requested to meet with the Committee on Appropriations at that time.

REPORT—Committee to Consult Attorney General

Mr. Rossiter read the following letter from the Attorney General and moved that the same be made a part of the Legislative Journal:

Letter of Attorney General

"January 4, 1940

Honorable J. B. Rossiter
Honorable Edwin Schultz
Honorable Hugh B. Ashmore

Legislative Chamber
Lincoln, Nebraska

Gentlemen:

You state that no provision is made in the Governor's proclamation calling a special session for the payment of the necessary expenses of the legislature and ask if the legislature has the power to appropriate money for such purposes.

The Constitution requires the legislature, among other things, to keep and publish a journal of its proceedings, to provide a printed copy of every bill and resolution introduced for the use of each member, and to publish in book form all laws within sixty days after the adjournment of each session. It further provides that, in addition to salaries, members shall receive their actual traveling expenses to and returning from each regular and special session, and that employees of the legislature shall receive no compensation other than their salary or per diem.

While the Governor states the purpose for which the legislature is convened and the Constitution inhibits them from entering into any other business, still they could not function as a legislature unless they were endowed with the power to pay their necessary, incidental expenses. Without such power, it would be impossible for the legislature to perform any business for which they were called.

It is my opinion that the legislature has the implied and inherent power to make such an appropriation as is necessary to pay the ex-

penses of a special session, although the matter is not contained in the Governor's proclamation calling the session.

Respectfully yours,
(Signed) Walter R. Johnson
Attorney General"

WRJ/MEG

The motion prevailed.

Member Excused

Mr. Sorrell was excused for the session on January 5.

Recess

At 12:18 p. m. the Legislature recessed until 3:00 p. m.

After Recess

The Legislature reconvened at 3:00 p. m. President Johnson presiding.

The roll was called and all members were present except Messrs. Herrick, Johnston, Lambert, Miller and Schultz.

Communication

The Clerk started to read a communication pertaining to old age assistance. Objection was raised by Mr. Amos Thomas to the reading of the communication, on the ground that it did not pertain to matters before the Legislature; which objection was sustained by the Chair.

Mr. Mueller moved that the communication be read.

Speaker Diers offered a substitute motion that the communication be read tomorrow in its general order of business.

The substitute motion prevailed.

Recess

At 3:15 p. m. on motion by Mr. Brady the Legislature recessed until 5:00 p. m.

After Recess

The Legislature reconvened at 5:00 p. m. President Johnson presiding.

The roll was called and all members were present except Mr. Lambert and Mr. Schultz.

BILLS ON FIRST READING

The following bill was read the first time by title:

LEGISLATIVE BILL NO. 6. By Committee on Appropriations.

A Bill for an Act to provide for the compensation of employees, mileage of members, and for supplies and other incidental expenses incurred during the Fifty-fourth (Special) Session of the Legislature of the State of Nebraska; appropriating the sum of Five Thousand and no/100 Dollars therefor; and to declare an emergency.

MOTION—To Suspend Rules and Read Second Time

Mr. President: I move that the rules be suspended and that L. B. No. 6 be read the second time. Mueller

The motion prevailed with 38 ayes, no nays, 5 not voting.

BILLS ON SECOND READING

The following bill was read the second time by title:

(For title see Bills on First Reading)

L. B. No.	Introducer	Committee Reference
6	Committee on Appropriations	Committee on Appropriations

MOTION—To Suspend Rules and Set Hearing Date

Mr. President: I move that the rules be suspended, regarding the five days notice of hearing, and that the public hearing on L. B. No. 6 be set for Monday, January 8, 1940 at 2:00 p. m. (Signed) Brady

The motion prevailed with 39 ayes, no nays, 4 not voting.

GENERAL FILE

LEGISLATIVE BILL NO. 5. Read and considered.

The following amendment was offered by Mr. Howard and adopted:

Page 5, line 143 (printed bill) strike out the word "usual". . .

Referred to E and R for review.

Adjournment

At 5:40 p. m. on motion by Mr. Mischke the Legislature adjourned.

Hugo F. Srb,

Clerk of the Legislature.

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska,
Friday, January 5, 1940.

The Legislature met at 9:00 a. m., President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Reavis and Mr. Amos Thomas, and except Mr. Sorrell who was excused.

The Journal for the Third Day was approved.

PETITIONS AND MEMORIALS

The following petitions were presented to the Legislature:

One from the Nebraska Old Age Pension Association and one from a group of fifteen persons seeking assistance for single persons.

One from Hastings, Nebraska concerning L. B. No. 1 and L. B. No. 2.

MOTION—To Award Printing Contracts

Mr. President: I move that the Legislature award the printing of the daily journal, the bills and the permanent journals to the State Journal Printing Company of Lincoln for the Fifty-fourth (Special) Session as per the agreements entered into for the Fifty-third (Regular) session. That the contract for the printing of the separates and permanent session laws for the Fifty-fourth (Special) Session be awarded to the Cornhusker Printing Company as per the agreement entered into for the Fifty-third (Regular) Session. Cost of binding to be determined at a subsequent date. (Signed) Carsten.

RESOLUTIONS

LEGISLATIVE RESOLUTION NO. 3. Motion to Amend

Mr. President: I move that in paragraph one of the body of L. R. No. 3, after the words "United States of America to" we strike the words "introduce and place in operation in" and insert in lieu thereof the words "make available for". (Signed) Lambert.

The motion prevailed.

MOTION—To Adopt L. R. No. 3

Mr. President: I move that Legislative Resolution No. 3 as amended be adopted. Lambert.

The motion prevailed.

PETITIONS AND MEMORIALS

Mr. Mueller read and discussed a petition from Kearney, Nebraska and vicinity regarding a "Stop the Drouth Plan". The petition contained three thousand signatures and was addressed to the Governor.

Adjournment

At 9:30 a. m., Mr. Hall moved that the rules be suspended and that the Legislature adjourn until Saturday, January 6, at 10:00 a. m.

The motion prevailed with 33 ayes, 2 nays, 8 not voting.

Hugo F. Srb,
Clerk of the Legislature.

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska,
Saturday, January 6, 1940.

The Legislature met at 10:00 a. m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except John Adams, Jr., and except Messrs. Carsten, Reavis and Westley who were excused.

The Journal for the Fourth Day was approved.

STANDING COMMITTEE REPORTS

Public Health and Miscellaneous Subjects

LEGISLATIVE BILL NO. 3. Placed on General File.
(Signed) Thornton, Vice Chairman

Government

LEGISLATIVE BILL NO. 2. Placed on General File with amendments.

Standing Committee amendments to L. B. No. 2:

1. Amend the printed bill, Page 1, Sec. 1, Line 17, by inserting the words "in such county" after the word "estate" and before the word "owned" therein and by inserting the words "if the name of the spouse is stated in the lien filed" after the word and punctuation "spouse," therein.

2. Amend the printed bill, Page 2, Sec. 2, by striking all of Sec. 2 and inserting in lieu thereof the following:

Sec. 2. That Section 68-270 Compiled Statutes, Supplement 1939, be amended to read as follows:

68-270. The county in which the recipient had legal settlement at the time assistance payments were made may fully release such claims and liens when paid, or it may compromise and release same when it finds that the purposes of this Act will be better served thereby or it may release such liens for the purpose of clearing the title to the real estate involved when it appears to it that a recovery thereunder is not probable. Each release shall be signed in the name of the county by the chairman of the Board of County Commissioners or Supervisors after he is authorized by vote of such board: Provided, the register of deeds or the county clerk, as the case may be, shall not charge a fee for filing releases of said liens.

3. Amend the printed bill, Page 3, Sec. 3, Line 16, by inserting the words "in such county" after the word "estate" and before the word "owned" therein.

Amend the printed bill, Page 3, Sec. 3, Line 18, by inserting the words "no lien shall attach to real estate owned by the spouse of a recipient unless the name of the spouse appears in the certificate filed" after the word and punctuation "records." and before the word "The" therein.

4. Amend the printed bill, Page 3, Sec. 4, by striking all of Sec. 4 and inserting in lieu thereof the following:

Sec. 4. That Section 68-416 Compiled Statutes, Supplement 1939, be amended to read as follows:

68-416. The county in which the recipient had legal settlement at the time assistance payments were made may fully release such claims and liens when paid, or it may compromise and release same when it finds that the purposes of this Act will be better served thereby or it may release such liens for the purpose of clearing the title to the real estate involved when it appears to it that a recovery thereunder is not probable. Each release shall be signed in the name of the county by the chairman of the Board of County Commissioners or Supervisors after he is authorized by vote of such board: Provided, the register of deeds or the county clerk, as the case may be, shall not charge a fee for filing releases of said liens.

(Signed) Von Seggern, Chairman

Judiciary

LEGISLATIVE BILL NO. 4. Placed on General File with amendments.

Standing Committee amendments to L. B. No. 4:

1. Amend the printed bill by striking all of Section 1 and inserting in lieu thereof the following:

"Section 1. The state, and governmental agencies created by the state, may be sued in the Nebraska Workmen's Compensation Court upon claims for compensation benefits under the Nebraska Workmen's Compensation Law in the same manner as provided by such compensation law for suits against individuals and corporations; and in such proceedings against the State of Nebraska, summons issued by such court shall be served upon the attorney general, and in all other cases involving claims of public employees against governmental agencies for such benefits, when not otherwise provided for by law, service of summons shall be issued out of such court, and served upon the principal officer of the governmental agency involved, or the presiding officer of the governing body thereof in the same manner as provided by such compensation law for service of summons upon individuals and corporations; and, the issuance and service of summons in such manner shall be binding upon the state and such agencies in such actions, and the attorney general is bereby authorized and empowered to waive the issuance and service of summons and enter voluntary appearances in such suits against the State of Nebraska."

2. Amend the title, line 6 printed bill, by inserting after the word "suits" and before the ";" therein the following:

"against the state and entry of voluntary appearances therein"

(Signed) Amos Thomas, Chairman

MOTION—To Send Letter of Appreciation

Mr. President: I move that the Clerk be instructed to send a letter of appreciation to the Board of Governors of the Ak-Sar-Ben for a most enjoyable evening's entertainment at the hockey game and the fine turkey dinner, on January Third, 1940. (Signed) Johnston

The motion prevailed unanimously.

BILLS ON FIRST READING

The following bill was read the first time by title:

LEGISLATIVE BILL NO. 7. By Committee on Judiciary.

A Bill for an Act to amend Chapter 57, Session Laws of Nebraska 1935, relating to the Workmen's Compensation Court; to invest the compensation court with jurisdiction of the subject matter upon the

filing of a petition; relating to service of process; to declare an emergency.

MOTION—To Suspend Rules and Read Second Time

Mr. President: I move that the rules be suspended and that L. B. No. 7 be read the second time. Amos Thomas.

The motion prevailed with 36 ayes, no nays, 7 not voting.

BILLS ON SECOND READING

The following bill was read the second time by title:

(For title see Bills on First Reading)

LEGISLATIVE BILL NO. 7. By Committee on Judiciary.

Referred to Committee on Judiciary.

MOTION—To Suspend Rules and Place on General File

Mr. President: I move that the rules be suspended and that L. B. No. 7 be placed on General File. Craven.

The motion prevailed with 39 ayes, no nays, 4 not voting.

GENERAL FILE

LEGISLATIVE BILL NO. 3. Read and considered.

Mr. Callan moved to refer to E and R for review.

Mr. Ashmore offered a substitute motion to indefinitely postpone.

Mr. Ernest Adams moved to postpone until 10:30 a. m. Monday, January 8.

The Adams motion prevailed.

MOTION—To Suspend Rule and Read L. B. No. 2

Mr. President: I move that Rule VII, Section 6 be suspended and L. B. No. 2 be read. (Signed) Schultz

The motion prevailed with 30 ayes, 3 nays, 10 not voting.

LEGISLATIVE BILL NO. 2. The bill and standing committee amendments were read.

Mr. Von Seggern moved to lay the bill over until Monday.

The motion was lost with 8 ayes, 17 nays, 18 not voting.

Passed over.

LEGISLATIVE BILL NO. 4. Passed over.

LEGISLATIVE BILL NO. 7. Passed over.

Member Excused

Mr. Mekota was excused for the session on Monday, January 8.

Recess

At 11:45 a. m. on motion by Mr. Mueller the Legislature recessed until 2:30 p. m.

After Recess

The Legislature reconvened at 2:30 p. m. President Johnson presiding.

The roll was called and all members were present except Messrs. John Adams, Jr., Mr. Reed and Mr. Sorrell; and except Messrs. Carsten, Reavis and Westley who were excused.

Mr. Brady announced that due to lack of time the Committee on Appropriations was not ready to report on L. B. No. 1.

MOTION—To Suspend Rules and Place on General File

Mr. President: I move that the rules be suspended in regard to the committee report and statement and that L. B. No. 1 be placed on General File without the committee's report and statement. (Signed) Mueller.

The motion prevailed with 30 ayes, no nays, 13 not voting.

LEGISLATIVE BILL NO. 1. Placed on General File.

STANDING COMMITTEE REPORT

Appropriations

LEGISLATIVE BILL NO. 1. Placed on General File with amendments.

Standing Committee amendments to L. B. No. 1:

1. At the end of Section 1 of both the original and printed bill add the following:

> "As used in this section, it is the intent and meaning of the Legislature that the term 'excess' shall mean only those funds inuring to the State Assistance Fund in excess of $350,000.00 per month."

2. Amend L. B. No. 1, page 3, Section 4, line 37, of the printed bill by striking the words "shall never" and inserting in lieu thereof the word "may".

3. Amend L. B. No. 1, page 3, Section 4, line 41, by striking the word "unless" and inserting in lieu thereof the following: "if and when" and amend in line 42 of the same Section by striking the "semicolon (;)" following the word "fund" and inserting in lieu thereof a "period (.)" and by striking the remainder of the Section following the word "fund".

4. Amend L. B. No. 1 in the title by striking the word "much" in line 7 and inserting in lieu thereof the word "such".

(Signed) Brady, Chairman.

GENERAL FILE

LEGISLATIVE BILL NO. 1. Read and considered.

Mr. Von Seggern moved that the mimeographed bill (dated January 5, 1940) be adopted as the original bill.

Objection thereto was raised by Mr. Amos Thomas.

Speaker Diers moved that Standing Committee amendment No. 1 be adopted. The motion prevailed.

Speaker Diers moved the adoption of Standing Committee amendments to Section 4.

Mr. Ashmore offered the following amendment to Speaker Diers' motion:

Amend the printed Bill No. 1—Section Four (4) Page Three (3), Line Forty-two (42) by inserting after the word "fund", the following:

Except as provided for in Section Three (3) of this Act.

The president announced that the two amendments pending and Section 68-260 Compiled Statutes, Supplement 1939, which they were introduced to amend, were outside the scope of the Governor's proclamation calling the special session.

Mr. Callan read an opinion from the office of the Attorney General relating to the section in question.

Speaker Diers' motion in regard to the amendment to Section 4 was withdrawn.

Mr. Ashmore's amendment to Speaker Diers' motion was withdrawn.

MOTION—To Consider L. B. No. 4

Mr. President: I move that the Legislature now consider L. B. No. 4 on General File. (Signed) Craven.

The motion prevailed.

GENERAL FILE

LEGISLATIVE BILL NO. 4. Read and considered.

The following amendments by Mr. Amos Thomas were adopted:

That the Standing Committee amendment to L. B. No. 4 be amended by striking the words "service of" in line 12 thereof.

That the Standing Committee amendment to the title of L. B. No. 4 be amended by the addition of the following clause following the semicolon (;) after the word "therein":

"To provide for service of summons upon governmental agencies created by the state, when not otherwise provided by law;".

The Standing Committee amendments, as amended, were adopted.

Referred to E and R for review.

Recess

At 4:50 p. m. on motion by Mr. Doyle the Legislature recessed for fifteen minutes.

After Recess

At 5:10 p. m. the Legislature was called to order by the President.

The roll was called and all members were present except Messrs. John Adams, Jr., Mr. Reed and Mr. Sorrell; and except Messrs. Carsten, Reavis and Westley who were excused.

BILLS ON FIRST READING

The following bill was read the first time by title:

LEGISLATIVE BILL NO. 8. By Callan of Gage, Diers of York, Hall of Adams.

A Bill for an Act to amend Section 50, Chapter 133, Session Laws of Nebraska for the year 1939; to appropriate for the immediate needs of the State Assistance Fund additional monies; to repeal said original section and to declare an emergency.

MOTION—To Suspend Rules and Read Second Time

Mr. President: I move that the rules be suspended and that L. B. No. 8 be read the second time. Diers.

The motion prevailed with 31 ayes, no nays, 12 not voting.

BILLS ON SECOND READING

The following bill was read the second time by title:

(For title see Bills on First Reading)

LEGISLATIVE BILL NO. 8.

MOTION—To Suspend Rules and Place on General File

Mr. President: I move that the rules be suspended and that L. B. No. 8 be placed on General File. Craven.

A call of the House was ordered.

The call was raised.

The motion prevailed with 29 ayes, no nays, 14 not voting.

Adjournment

At 5:22 p. m. Mr. Hall moved that the rules be suspended and that the Legislature adjourn until 10:00 a. m. Monday, January 8.

The motion prevailed with 29 ayes, 1 nay, 13 not voting.

Hugo F. Srb,
Clerk of the Legislature.

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska,
Monday, January 8, 1940.

The Legislature met at 10:00 a. m. Speaker Diers presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except John Adams, Jr., and except Messrs. Mekota, Reavis and Sorrell, who were excused.

The Journal for the Fifth Day was approved.

STANDING COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL NO. 4. Placed on Select File with amendments.

E and R amendments to L. B. No. 4:

I. Amend General File Amendments of January 6 to the Title by striking therefrom the first word "To" and inserting in lieu thereof the word "to".

II. Amend Title, original bill, line 5 (printed bill, lines 4 and 5) by striking therefrom the words "workmen's compensation law" and inserting in lieu thereof the words "Workmen's Compensation Law".

III. Amend General File Amendment No. 1 of January 6, page 1, lines 8 and 21, by striking therefrom the word "State" and inserting in lieu thereof the word "state".

LEGISLATIVE BILL NO. 5. Placed on Select File with amendments.

E and R amendments to L. B. No. 5:

I. Amend Title, original bill, page 1, line 2 and 4 (printed bill, page 1, line 2 and 4) and original bill, Section 1, page 3, line 161, and Section 2, page 5, line 1 (printed bill, Section 1, page 6, line 167, and Section 2, page 10, line 1) by striking therefrom the words "Comp. St." or "Compiled Statutes" wherever the same appears and inserting in lieu thereof the abbreviation "C. S".

II. Amend Title, original bill, page 1, line 3 (printed bill, page 1, line 3) by inserting after the word "compensation," and before the word "to" the words "to define certain terms and words used in The Unemployment Compensation Law,"

III. Amend Section 1, original bill, page 1, line 4 (printed bill, page 1, line 4) by striking the punctuation ";" after the word "otherwise" and insert in lieu thereof the punctuation ":" and amend printed bill only, Section 1, page 1, line 4 by striking therefrom the word "quires".

IV. Amend Section 1, original bill and printed bill, by striking the punctuation single quotation marks (' ') wherever the same may appear for the purpose of emphasizing a term or descriptive word, and insert in lieu thereof double quotation marks (" ").

V. Amend Section 1, original bill, Page 1, line 20 (printed bill, page 2, line 20) by striking therefrom the word "Section" and inserting in lieu thereof the abbreviation "Sec." and by striking the character "(c)" and inserting in lieu thereof the character "(e)"

VI. Amend printed bill only, Section 1, page 2, line 43 by inserting the word "is" after the word "which" and before the article "a".

VII. Amend Section 1, original bill, page 2, line 67 (printed bill, page 3, lines 69 and 70) by inserting the punctuation "," after the word "and" and before the word "subject"; and after the word "subsection" and before the word "means".

VIII. Amend the printed bill only, Section 1, page 4, line 88 by striking the word "preformed" and inserting in lieu thereof the word "performed".

IX. Amend the printed bill only, Section 1, Page 5, line 123 by striking therefrom the punctuation ":" and inserting in lieu thereof the punctuation ";" .

X. Amend the printed bill only, Section 1, page 5, line 130 by striking therefrom the word "deem" and inserting in lieu thereof the word "deemed".

XI. Amend printed bill only, Section 1, Page 5, line 143 by striking therefrom the character "(C)" and inserting in lieu thereof the character "(C)".

XII. Amend Section 1, original bill, page 3, line 149 and 153 (printed bill, page 5, line 154 and page 6, line 158) by striking therefrom the word "act" and inserting in lieu thereof the word "Act".

XIII. Amend Section 1, original bill, page 3, lines 150, 152, 156, 168, 170 (printed bill, page 5, lines 156, 157, page 6, lines 162, 175, 177, 178) by striking the word "State" and the word "States" wherever the same may appear, except as a part of the words "United States", and insert in lieu thereof the words "state" and "states" as indicated in the text of the bill.

XIV. Amend printed bill only, Section 1, page 6, line 172 by striking therefrom the character "(C)" and inserting in lieu thereof the character "(G)".

XV. Amend the printed bill only, Section 1, page 6, line 188 by inserting after the word "legislation" the punctuation ";" and by striking therefrom the punctuation ".".

XVI. Amend Section 1, original bill, page 4, line 195 to line 237 inclusive (printed bill, page 7, line 204 to page 8, line 248 inclusive) by striking therefrom the punctuation "." wherever the same may appear preceding the Arabic numerals indicating a subsection of subsection "J".

XVII. Amend printed bill only, Section 1, page 8, lines 242 and 243 by striking therefrom the words "or as an insurance agent" following the word "agent".

XVIII. Amend Section 1, original bill, page 4, line 239, (printed bill, page 8, line 250) by striking the word "state-controlled" and inserting in lieu thereof the words "state controlled".

XIX. Amend Section 1, original bill, page 4, line 244 and page 5, line 260 (printed bill page 8, line 255 and page 9, line 273) by striking therefrom the figure "(1)" following the words "Columbia" and "subsection" respectively, and inserting in lieu thereof the letter "(1)".

XX. Amend the original bill, page 5, by striking therefrom the first word "Section" appearing in Sections 2 and 3, and inserting in lieu thereof the abbreviation "Sec".

(Signed) Craven, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION NO. 4. Cedar Valley Public Power and Irrigation District.

Memorializing the Congress and the President of the United States and the Public Works Administration, and the Works Progress Administration of the United States to Approve and Make an Allocation of Funds for a Grant, and Grant and Loan to the Cedar Valley Public Power and Irrigation District

Preamble

WHEREAS, the Congress and the President of the United States did initiate and carry out a public works and relief program, in an endeavor to speed reemployment and recovery, which are being supervised and handled by the President of the United States and the Public Works Administration and the Works Progress Administration of the United States government, and

WHEREAS, the Cedar Valley Public Power and Irrigation District, has pending an application, before such administration, for a loan and grant for such purposes, and

WHEREAS, such projects would serve a useful purpose in speeding recovery, diminishing unemployment, furnishing supplemental water for irrigation, in order that agriculture, in the territory served, might be made self-sustaining or profitable, and furnishing electric power and energy, to be used in the vicinity of such districts, NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA, IN SPECIAL SESSION ASSEMBLED:

1. That this body does most earnestly petition and memorialize the Congress, the President of the United States, the Public Works Administration and the Works Progress Administration, that proper orders and allocations of funds be made for such grants and loan, and that such projects and applications be approved and carried to completion, at the earliest possible date, for the public good.

2. That the Clerk of this Legislature be instructed and directed forthwith, to forward a copy of this Resolution, properly authenticated and suitably engrossed, to the President of the United States, to each of the Senators and Representatives, representing the State of Nebraska, in Congress; to the Public Works Administration and to the Works Progress Administration, so that they, and each of them, may

be advised in regard to such Public Power and Irrigation District, and the advisability of such approval, grants and loan to such district.

(Signed)

John F. Doyle	Fred A. Mueller
Edwin Schultz	R. M. Howard
Tom Lambert	John S. Callan
Leland R. Hall	Harry E. Gantz
Charles R. Herrick	Martin J. Mischke
E. M. Neubauer	J. Lyndon Thornton
Daniel Garber	L. B. Murphy
Alva M. Johnston	E. M. Von Seggern
Ray Thomas	Richard N. Johnson
A. C. Van Diest	Carl H. Peterson
Swan Carlson	F. J. Brady
A. L. Miller	

MOTION—Amendments to L. B. No. 2

Mr. President: I move that the Standing Committee amendments offered to L. B. No. 2 be withdrawn and the following be submitted in lieu thereof. Von Seggern, Chairman

Standing Committee amendments to L. B. No. 2

1. Amend Section 1, original bill, page 1, line 23 (printed bill, page 1, line 17) by inserting the words "in such county" after the word "estate" and before the word "owned"; and amend original bill, page 1, line 25 (printed bill, page 1, line 17) by inserting the words "if the name of the spouse is stated in the lien filed," after the word and punctuation "spouse,".

2. Amend Section 2, original bill and printed bill by striking all of section 2 and inserting in lieu thereof the following:

"Sec. 2. That Sec. 68-270, C. S. Supp., 1939, be amended to read as follows:

68-270. The Board shall satisfy and release the claims, accruing under the provisions of Section 12 (68-268) of this Act, when fully paid, or when compromised and settled, or when the estate has been probated and the proceeds allowable have been applied on such claims. **The county in which the recipient had legal settlement at the time assistance payments were made may fully release such claims and liens when paid, or it may compromise and release same when it finds that the purposes of this Act will be better served thereby or it may**

release such liens for the purpose of clearing the title to the real estate involved when it appears to it that a recovery thereunder is not probable. Each release shall be signed in the name of the county by the chairman of the Board of County Commissioners or Supervisors after he is authorized by vote of such board: Provided, the register of deeds or the county clerk, as the case may be, shall not charge a fee for filing releases of said liens."

3. Amend Section 3, original bill, page 2, line 23 (printed bill, page 3, line 16) by inserting the words "in such county" after the word "estate" and before the word "owned" therein; and original bill, page 3, line 26 (printed bill page 3, line 18) by inserting after the word and punctuation "records." and before the word "The" the following: "No lien shall attach to real estate owned by the spouse of a recipient unless the name of the spouse appears in the certificate filed."

4. Amend the original bill and printed bill by striking therefrom all of Section 4 and inserting in lieu thereof the following:

"Sec. 4. That Sec. 68-416, C. S. Supp., 1939, be amended to read as follows:

68-416. The Board shall release liens, accruing under the provisions of this Act, when fully paid, when compromised and settled, or when the estate of which real estate and personal property affected by this Act are a part, has been probated and the proceeds allowable have been applied on such liens. The county in which the recipient had legal settlement at the time assistance payments were made may fully release such claims and liens when paid, or it may compromise and release same when it finds that the purposes of this Act will be better served thereby or it may release such liens for the purpose of clearing the title to the real estate involved when it appears to it that a recovery thereunder is not probable. Each release shall be signed in the name of the county by the chairman of the Board of County Commissioners or Supervisors after he is authorized by vote of such board: Provided, the register of deeds or the county clerk, as the case may be, shall not charge a fee for filing releases of said liens."

The motion prevailed.

GENERAL FILE

LEGISLATIVE BILL NO. 2.

Mr. Gantz offered the following amendment to Mr. Von Seggern's amendment No. 1, and the Gantz amendment was adopted:

Amend Section 2, L. B. 2 in the Von Seggern amendments by inserting after the word "Provided" in line 17 the words "that notwithstanding any other general or specific law" and punctuation "," thereafter.

Mr. Amos Thomas offered the following amendment to Mr. Von Seggern's amendment No. 2, and the Thomas amendment was adopted.

That the following words in the Von Seggern amendments to Section 68-270 Comp. St. Supp. 1939 in L. B. No. 2 be stricken:

"or it may compromise and release same when it finds that the purposes of this Act will be better served thereby".

Mr. Gutoski offered the following amendment to Mr. Von Seggern's amendment No. 3:

Amend the Von Seggern amendment by striking from amendment No. 3, page 1, line 7 the words "unless the name of the spouse appears in the certificate filed".

Record vote was requested.

A call of the House was ordered.

The call was raised.

Voting in the affirmative, 16:

Carlson	Hall	Miller	Schultz
Craven	Herrick	Mueller	Thomas, Ray
Doyle	Klaver	Neubauer	Thornton
Gutoski	Lambert	Reed	Westley

Voting in the negative, 15:

Ashmore	Gantz	Murphy	Thomas, Amos
Brady	Gross	Norman	Van Diest
Brodecky	Howard	Peterson	Von Seggern
Dunn	Mischke	Rossiter	

Not voting, 12:

Adams, E. A.	Carsten	Johnson	Reavis
Adams, J. Jr.	Diers	Johnston	Sorrell
Callan	Garber	Mekota	Tvrdik

The motion prevailed.

Mr. Gantz offered the following amendment to Mr. Von Seggern's amendment No. 4, and the Gantz amendment was adopted.

Amend Section 4 of the Von Seggern amendments to L. B. No. 2 by inserting after the word "Provided," the words "that notwithstanding any other general or specific law" and the punctuation "," thereafter.

Mr. Rossiter offered the following amendment to Mr. Von Seggern's amendment:

Strike the words following "paid", as follows:

"or it may compromise and release same when it finds that the purposes of this Act will be better served thereby" in Section 4, Von Seggern amendments.

The Rossiter amendment was adopted.

The Von Seggern amendments, as amended, were all adopted.

Mr. Gutoski offered the following amendment to the bill as a whole:

Amend Section one line 17 by striking the word "either" after the word "owned" and after the word "assistance", "or his spouse, if the name of the spouse is stated in the lien filed".

MOTION—To Secure Opinion of Attorney General

Mr. President: I move that we ask the Attorney General for an opinion, whether the proposed Gutoski amendment is within the call, and also as to how the Gutoski amendment will affect the purpose of the call, which is to clarify title on property.

(Signed) Brady, Ashmore

Recess

At 12:06 p. m. on motion by Mr. Mueller the Legislature recessed until 2:00 p. m.

After Recess

The Legislature reconvened at 2:00 p. m. Speaker Diers presiding.

The roll was called and all members were present except Messrs. Mekota, Miller, Reavis, Sorrell and Westley, who were excused.

Offer to Withdraw Motion

Mr. Brady offered to withdraw the Brady-Ashmore motion offered before recess.

Mr. Ashmore objected.

MOTION—To Secure Opinion from Attorney General

Vote was taken on the Brady-Ashmore motion to secure an opinion from the Attorney General and the motion was lost with 10 ayes, 17 nays, 16 not voting.

Amendment Withdrawn

The Gutoski amendment to the bill as a whole was withdrawn.

Mr. Mueller and Mr. Gutoski offered the following amendments to L. B. No. 2:

Amend the title of the printed bill as follows:

Strike the word "amend" from line one, and insert the word "repeal" in lieu thereof.

Strike the following words and punctuation in lines 3, 4, and 5:

"to fix the time when such liens shall attach; to provide how they may be released; to repeal said original sections"

and insert in lieu thereof the following:

to release all liens for old age assistance and blind assistance now claimed or of record; to authorize and direct the register of deeds and the county clerks to enter upon their records evidence of such releases.

To amend the printed bill as follows:

Strike all of Section 1 and insert in lieu thereof the following:

Section 1. **That Sections 68-268, 68-270, 68-413 and 68-416, Compiled Statutes, Supplement 1939, are hereby repealed.**

Strike all of Sections 2, 3, 4 and 5 of the printed bill and in lieu of Section 2, insert the following:

Section 2. **All liens claimed under Sections 68-268 and 68-413, Compiled Statutes, Supplement 1939, are hereby released and every register of deeds and county clerk having charge of the real estate records in his county, shall enter and sign upon the margin of the record of every certificate filed therein for such lien, the following evidence of release, to-wit: "Released by Legislative Bill No. 2 of the Fifty-fourth (Extraordinary) Session 1940, of the Legislature of Nebraska."**

Re-number Section 6, page 3, of the printed bill to read, "Section 3."

Record vote was requested.

Voting in the affirmative, 23:

Adams, E. A.	Gutoski	Mischke	Thomas, Ray
Brodecky	Hall	Mueller	Thornton
Callan	Johnson	Neubauer	Tvrdik
Carlson	Johnston	Norman	Van Diest
Doyle	Klaver	Reed	Von Seggern
Gantz	Lambert	Schultz	

Voting in the negative, 8:

Ashmore	Dunn	Howard	Peterson
Brady	Gross	Murphy	Rossiter

Not voting, 12:

Adams, J. Jr.	Diers	Mekota	Sorrell
Carsten	Garber	Miller	Thomas, Amos
Craven	Herrick	Reavis	Westley

The motion prevailed and the amendment was adopted.

On motion by Mr. Gutoski, the bill was referred to E and R for review.

Explanation of Vote

Mr. President: I vote aye because the bill as now amended is too complicated and the law would be impossible of enforcement. (Signed) Van Diest.

MOTION—To Reconsider Action

Mr. President: I move that we reconsider our action in regard to Special Order of business for L. B. No. 3. (Signed) Hall.

The motion prevailed with 24 ayes, 3 nays, 16 not voting.

Mr. Hall moved that L. B. No. 7 be considered on General File.

The motion prevailed.

GENERAL FILE

LEGISLATIVE BILL NO. 7. Read and considered.

Referred to E and R for review.

Consent to Consider

Mr. Schultz requested unanimous consent to consider L. B. No. 8 next on General File.

Request granted.

GENERAL FILE

LEGISLATIVE BILL NO. 8. Read and considered.

Mr. Amos Thomas presiding.

Mr. Lambert offered the following amendment:

In L. B. No. 8, Sec. 1, line 12, (printed bill) strike the words "estimated at" and insert the words "not to exceed".

Speaker Diers presiding.

Record vote was requested.

Voting in the affirmative, 7:

Adams, E. A.	Brady	Lambert	Thomas, Amos
Ashmore	Johnston	Mischke	

Voting in the negative, 24:

Adams, J. Jr.	Gantz	Johnson	Rossiter
Brodecky	Gross	Klaver	Schultz
Callan	Gutoski	Mueller	Thomas, Ray
Carlson	Hall	Neubauer	Tvrdik
Craven	Herrick	Peterson	Van Diest
Dunn	Howard	Reed	Von Seggern

Not voting, 12:

Carsten	Garber	Murphy	Sorrell
Diers	Mekota	Norman	Thornton
Doyle	Miller	Reavis	Westley

The motion to adopt the amendment was lost.

Statement for Journal

Mr. President: Having been called to the telephone during the vote on the Lambert amendment, I wish to state that had I been present I would have voted no. (Signed) Doyle.

Mr. Amos Thomas presiding.

Speaker Diers offered the following amendment, which was adopted:

To amend L. B. No. 8, Sec. 1, line 17, strike "$252,000.00" and insert "$266,400.00"; amend line 19, strike "$8,148,000.00", insert "estimated $8,613,600.00".

Referred to E and R for review.

STANDING COMMITTEE REPORT

Appropriations

LEGISLATIVE BILL NO. 6. Placed on General File.
(Signed) Brady, Chairman.

GENERAL FILE

LEGISLATIVE BILL NO. 6. Read and considered.

Upon request by Mr. Brady, unanimous consent was granted to change the word "Special" in the title and body of the bill to "Extraordinary".

Referred to E and R for review.

Upon request by Mr. Craven, unanimous consent was granted to consider Legislative Bills numbered 4 and 5 on Select File.

SELECT FILE

LEGISLATIVE BILL NO. 4. E and R amendments as found in this day's Journal were adopted.

Referred to E and R for engrossment.

LEGISLATIVE BILL NO. 5. E and R amendments as found in this day's Journal were adopted.

Referred to E and R for engrossment.

GENERAL FILE

LEGISLATIVE BILL NO. 3. Mr. Callan and Mr. Ashmore withdrew their motions, offered on General File on the Fifth Day.

Mr. Garber offered the following amendment:

Amend L. B. No. 3, Section 1, line 7, by striking the words "seventy-five" and inserting in lieu thereof the word "forty".

Mr. Mischke moved to lay the bill over until, Tuesday, January 9.

The motion prevailed.

LEGISLATIVE BILL NO. 1. Passed over, on motion by Mr. Callan.

At 4:55 p. m. the Chair declared the Legislature at ease for ten minutes.

At 5:05 p. m. the Legislature was called to order, Mr. Amos Thomas presiding.

STANDING COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL NO. 2. Placed on Select File with amendments.

E and R amendments to L. B. No. 2:

I. Amend the original bill and printed bill by striking therefrom all amendments, except the General File amendments offered by Senators Fred A. Mueller and Peter P. Gutoski, and adopted by the Legislature, January 8, 1940.

II. That the original bill and the General File amendments of Senators Mueller and Gutoski, adopted by the Legislature, January 8, 1940, be amended to read as follows:

"LEGISLATURE OF NEBRASKA

FIFTY-FOURTH (EXTRAORDINARY) SESSION 1940

LEGISLATIVE BILL NO. 2

A BILL

FOR AN ACT to repeal Secs. 68-268, 68-270, 68-413 and 68-416 C. S. Supp., 1939, relating to public welfare, social security and to liens upon the property of recipients of assistance; to release all liens for old age assistance and blind assistance now claimed or of record;

to authorize and direct the register of deeds and the county clerks to enter upon their records evidence of such releases; and to declare an emergency.

INTRODUCED BY John S. Callan of Gage, W. H. Diers of York, Leland R. Hall of Adams.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NEBRASKA:

Section 1. All liens claimed under Secs. 68-268 and 68-413, C. S. Supp., 1939, are hereby released and every register of deeds and county clerk having charge of the real estate records in his county, shall enter and sign upon the margin of the record of every certificate filed therein for such lien, the following evidence of release, to-wit: "Released by Legislative Bill No. 2 of the Fifty-fourth (Extraordinary) Session 1940, of the Legislature of Nebraska."

Sec. 2. That Secs. 68-268, 68-270, 68-413 and 68-416, C. S. Supp., 1939, are hereby repealed.

Sec. 3. Whereas, an emergency exists, this Act shall be in full force and take effect, from and after its passage and approval, according to law."

III. Amend the original bill by striking therefrom all language and punctuation not included in Amendment 2 hereof; amend General File amendments of Senators Mueller and Gutoski, adopted by the Legislature, January 8, 1940, by striking therefrom all language and punctuation not included in Amendment 2 hereof.

LEGISLATIVE BILL NO. 7. Referred to Select File with amendments.

E and R amendments to L. B. No. 7:

I. Amend the title, original bill, line 3 (printed bill, line 2) by inserting before the word "Workmen's" the word "Nebraska".

II. Amend Section 1, original bill, Line 3 (printed bill, line 2) by striking therefrom the words "compensation court" and inserting in lieu thereof the words "Nebraska Workmen's Compensation Court".

III. Amend Section 1, original bill, Line 10 (Printed bill line 8) by striking therefrom the words "compensation act" and inserting in lieu thereof the words "Nebraska Workmen's Compensation Law".

(See Sec. 48-162 C. S. Supp., 1939).

(Signed) Craven, Chairman.

Adjournment

At 5:07 p. m. Mr. Gutoski moved that the rules be suspended and that the Legislature adjourn until 10:00 a. m. Tuesday, January 9.

The motion prevailed.

Hugo F. Srb,
Clerk of the Legislature.

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska,
Tuesday, January 9, 1940.

The Legislature met at 10:00 a. m. Speaker Diers presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Doyle and Carsten, who were excused on account of illness.

The Journal for the Sixth Day was approved.

Communication

A letter was read from Mrs. Jay Hastings of Osceola, Nebraska, acknowledging receipt of Legislative Resolution No. 1 in memory of her husband, and expressing her appreciation of the same.

Invitation

In behalf of the Chamber of Commerce of Falls City and the Chamber of Commerce of Lincoln, Mr. Reavis extended an invitation to the Members of the Legislature, the Lieutenant Governor and the officers of the Legislature to go to Falls City on Wednesday, January 10, to visit the oil well near there and attend a dinner given by the Falls City Chamber of Commerce.

In behalf of the Members, Speaker Diers accepted the invitation.

STANDING COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL NO. 6. Placed on Select File.

LEGISLATIVE BILL NO. 8. Placed on Select File with amendments.

E and R amendments to L. B. No. 8:

I. Amend General File amendment by Senator Diers, adopted by the Legislature, January 8, 1940, by striking therefrom the figures "$266,400.00" and insert in lieu thereof "$266,400.00"; and strike the words and figures "estimated $8,613,600.00" and insert in lieu thereof the words and figures "estimated $8,613,600.00".

LEGISLATIVE BILL NO. 4. Correctly engrossed.

(Signed) Craven, Chairman.

RESOLUTIONS

LEGISLATIVE RESOLUTION NO. 4. Mr. Schultz moved its adoption.

Mr. Van Diest requested that his name be withdrawn from the resolution. No objection raised; so ordered.

Mr. Schultz requested that Mr. Brodecky's name be added. With Mr. Brodecky's consent, it was so ordered.

The resolution was adopted with 29 ayes, 2 nays, 12 not voting.

SELECT FILE

LEGISLATIVE BILL NO. 2. E and R amendments as found in the Legislative Journal for the Sixth Day were adopted.

Referred to E and R for engrossment.

LEGISLATIVE BILL NO. 7. E and R amendments as found in the Legislative Journal for the Sixth Day were adopted.

Referred to E and R for engrossment.

LEGISLATIVE BILL NO. 6. No E and R amendments offered.

Referred to E and R for engrossment.

LEGISLATIVE BILL NO. 8. E and R amendments as found in this day's Legislative Journal were adopted.

GENERAL FILE

LEGISLATIVE BILL NO. 3. Vote was taken on the Garber amendment offered on the sixth day.

The amendment was not adopted.

The following amendments were offered by Mr. Ashmore:

Amend L. B. 3 in Sec. 1, line 6 by striking the words "other than that", and in Sec. 2, line 6, by striking the words "other than that", and in Sec. 3 line 6, "other than that".

Record vote was requested.

Voting in the affirmative, 18:

Adams, E. A.	Gutoski	Mischke	Reavis
Adams, J. Jr.	Herrick	Murphy	Schultz
Ashmore	Howard	Neubauer	Thomas, Amos
Brady	Johnston	Norman	Tvrdik
Garber	Klaver		

Voting in the negative, 22:

Brodecky	Gross	Mueller	Thomas, Ray
Callan	Hall	Peterson	Thornton
Carlson	Johnson	Reed	Van Diest
Craven	Lambert	Rossiter	Von Seggern
Dunn	Mekota	Sorrell	Westley
Gantz	Miller		

Not voting, 3:

Carsten	Diers	Doyle

The amendment was not adopted.

Mr. Reavis offered the following amendments, which were adopted:

Sec. 1, line 7, strike out the words "seventy-five dollars" and insert in lieu thereof the words "fifty dollars".

Sec. 2, line 7, strike out the words "seventy-five dollars" and insert in lieu thereof the words "fifty dollars".

Sec. 3, line 8, strike out the words "sixty dollars" and insert in lieu thereof the words "forty dollars".

Referred to E and R for review.

LEGISLATIVE BILL NO. 1. The Clerk read an opinion from the Attorney General, addressed to Speaker Diers, in regard to L. B. No. 1.

Passed over, on motion by Mr. Hall.

Recess

At 11:54 a. m. on motion by Mr. Brady the Legislature recessed until 2:00 p. m.

After Recess

At 2:00 p. m. the Legislature reconvened, President Johnson presiding.

The roll was called and all members were present except Messrs. Carsten, Doyle and Dunn who were excused.

GENERAL FILE

LEGISLATIVE BILL NO. 1. The following amendment was offered by Mr. Garber:

1. Strike out all of section 1 and substitute in lieu thereof the following:

There is hereby appropriated to the State Assistance Fund; in addition to the sum of $8,400,000.00 heretofore appropriated in Section 50, Legislative Bill No. 521, Fifty-Third Session, 1939, the estimated sum of $480,000.00; being all the revenues arising under Legislative Bill No. 492, Fifty-Third Session, and from the 20% gasoline tax fund arising under Section 3 Legislative Bill No. 235, Fifty-Third Session and from the proceeds of excise and estate taxes levied under Section 77-2306 Compiled Statutes, Supplement 1937,, and from proceeds of all head taxes collected under Section 68-284 Compiled Statutes, Supplement 1937, and from any unexpected balances for the biennium ending June 30, 1939, in the State Assistance Fund in excess of the sum of $8,400,000.00 heretofore appropriated by Section 50, Legislative Bill No. 521, Fifty-Third Session 1939; to be expended, under the direction of the Board of Control, solely for old age assistance and aid to dependent children during the months of January, February and March of 1940 and during the month of December 1940 and January, February and March 1941. It is intention of the Legislature that the funds hereby appropriated shall be devoted to increase in allowance for old age assistance and aid to dependent children during the winter months subject to the provision and limitations of general law upon said subject.

2. Strike out Sections 2, 3, 4, and 5.

3. Amend the title by striking out the words: "To amend Section 68-260 Compiled Statutes, Supplement 1939, and to repeal said original sections."

Mr. Von Seggern presiding.

The Clerk read an opinion from the Attorney General, dated January 9, 1940, addressed to Speaker Diers, regarding L. B. No. 1 and L. B. No. 8.

President Johnson presiding.

After discussion, Mr. Callan moved to postpone consideration of L. B. No. 1 until Wednesday, January 10 at 10:00 a. m.

The question was stated and the Chair announced the motion was lost

Mr. Mueller appealed from the decision of the Chair.

The President put the question "Shall the Chair be sustained?"

The vote thereon was 14 ayes, 21 nays, 8 not voting, and the Chair was overruled.

A machine vote was taken on Mr. Callan's motion and the same prevailed with 20 ayes, 16 nays, 7 not voting.

Request to Take Up Select File

Mr. Diers asked unanimous consent to consider L. B. No. 8 on Select File.

No objection was raised.

SELECT FILE

LEGISLATIVE BILL NO. 8.

At 3:45 p. m. the Chair declared the Legislature at ease.

At 4:00 p. m. the President called the Legislature to order.

Speaker Diers asked that the following amendment be adopted by unanimous consent:

Amend L. B. No. 8 as follows: strike in line 22 the words and parenthesis (Aud. Acct. No. 352 A) and the figures "6,546,900.00" and insert after the word "estimated" the figures 7,874,412.88. Strike in line 24 the figures 122,265 and insert 154,519. In lines 27 and 28, strike the figures 6,904,635.00 and insert 7,719,893.88.

No objection was raised and the amendment was adopted.

Referred to E and R for engrossment.

STANDING COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL NO. 5. Correctly engrossed.

(Signed) Craven, Chairman.

Adjournment

At 4:05 p. m. Mr. Lambert moved to adjourn.

The motion prevailed with 22 ayes, no nays, 21 not voting.

Hugo F. Srb,
Clerk of the Legislature.

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska,
Wednesday, January 10, 1940.

The Legislature met at 9:07 a. m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Ernest A. Adams and Mr. Carsten who were excused.

The Journal for the Seventh Day was approved as corrected.

PETITIONS AND MEMORIALS

Mr. Mueller introduced a petition regarding old age assistance and asking to be heard by the Legislature.

MOTION—To Fix Time for Hearing

Mr. President: I move that a time be fixed when the Nebraska Old Age Pension Association may appear before any members of the Legislature that care to be present, and present their grievances. If the Legislature is not in session Thursday afternoon, I suggest that 2:30 p. m. be the time fixed for the meeting time. (Signed) Mueller

The motion was lost.

RESOLUTIONS

LEGISLATIVE RESOLUTION NO. 5. **Recommendation to Board of Control**

Introduced by John S. Callan, George I. Craven

Realizing that the Board of Control in order to determine the amount of Old Age and Aid to Dependent Children assistance grants for the month of January, 1940 must know what revenues will be available to make these payments and also knowing that the determination of these grants should be made by the 10th of this month, NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA IN FIFTY-FOURTH (EXTRAORDINARY) SESSION ASSEMBLED:

That this Legislature recommend that the Board of Control may reasonably anticipate the passage of Legislative Bill No. 3 and Legislative Bill No. 8 and that the Board of Control have this recommendation in mind when they make their allocations of the January Old Age and Aid to Dependent Children grants.

MOTION—To Suspend Rules and Consider

Mr. President: I move that the rules be suspended and that Legislative Resolution No. 5 be considered at once. Callan

A call of the House was ordered.

The call was raised.

The motion prevailed with 30 ayes, no nays, 13 not voting.

MOTION—To Adopt L. R. No. 5

Mr President: I move that Legislative Resolution No. 5 be adopted. Callan

A call of the House was ordered.

The call was raised.

The motion prevailed with 33 ayes, no nays, 10 not voting.

The resolution was adopted.

Explanation of Vote

Mr. President: I vote for this resolution because it includes Legislative Bill No. 8, but I will probably vote against Legislative Bill No. 3 in its present form. (Signed) Klaver, John Adams, Jr., Tvrdik

Statement for Journal

Mr. President: Had I been present I would have voted for Legislative Resolution No. 5. (Signed) Lambert

LEGISLATIVE RESOLUTION NO. 6. Panhandle Public Pump Irrigation District, Alliance, Nebraska

Memorializing the Congress and the President of the United States and Public Works Administration, and the Works Progress Administration, of the United States to Approve and Make an Allocation of Funds for a Grant and Loan to the Panhandle Pump Irrigation District

Introduced by Harry E. Gantz

PREAMBLE

WHEREAS, the Congress and the President of the United States, did initiate and carry out a Public Works and relief program in an endeavor to speed re-employment and recovery, and

WHEREAS, the Panhandle Public Pump Irrigation District, with its offices at Alliance, Nebraska, is a duly organized Public Pump Irrigation District, under Senate File No. 310, comprising the whole of Box Butte County, Nebraska, except one precinct, and including one precinct in Dawes County, Nebraska, and

WHEREAS, said Panhandle Public Pump Irrigation District has made application for a loan and grant to assist the district in financing the drilling of irrigation wells in said district, and

WHEREAS, such project will serve a public and useful service in speeding recovery, and making agriculture in said district at least self-sustaining, NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA, IN SPECIAL SESSION ASSEMBLED:

1. That this body does most earnestly petition and memorialize the Congress, the President of the United States, the Public Works Administration, and the Works Progress Adminiatration, that proper orders and allocations of funds be made for such grants and loan, or proper loan agency designated for such purpose, and that such application be approved and carried to completion at the earliest possible date, for the public good.

2. That the Clerk of the Legislature be instructed and directed forthwith, to forward a copy of this Resolution, properly authenticated and suitably engrossed, to the President of the United States, to each of the Senators and Representatives, representing the State of Nebraska, in Congress; to the Public Works Administration and to the Works Progress Administration, so that they, and each of them, may be advised in regard to such Public Pump Irrigation District, and the advisability of such approval, grants and loan to such district.

MOTION—To Make Special Order

Mr. President: I move that Legislative Resolution No. 6 be made special order of business at 10:00 a. m. Thursday, January 11, 1940. (Signed) Gantz.

The motion prevailed.

Member Excused

At 10:15 a. m. Mr. Carlson was excused to attend a funeral.

At 10:15 a. m. the President declared the Legislature at ease.

Mr. Craven announced a meeting of the Committee on Enrollment and Review would be held during the next half hour.

Mr. Amos Thomas announced a meeting of the Judiciary Committee would be held during the same period.

The Legislature was called to order at 11:30 a. m.

The roll was called and all members were present except Mr. Ernest A. Adams and Mr. Carsten who were excused.

STANDING COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL NO. 6. Correctly engrossed.

LEGISLATIVE BILL NO. 2. Correctly engrossed.

LEGISLATIVE BILL NO. 8. Correctly engrossed.

(Signed) Craven, Chairman

MOTION—To Place on Select File

Mr. President: I move that L. B. No. 7 be placed on Select File for the following Specific amendment:

"Strike the enacting clause".

(Signed) Amos Thomas

The motion prevailed.

SELECT FILE

LEGISLATIVE BILL NO. 7. Mr. Amos Thomas moved that the Specific amendment be adopted.

The motion prevailed. So ordered.

STANDING COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL NO. 3. Placed on Select File with amendments.

E and R amendments to L. B. No. 3:

I. Amend the original bill and printed bill, Sections 1, 2 and 3, in lines 1 of each section, by striking therefrom the words "Section ....." and "Compiled Statutes, Supplement 1939" and inserting in lieu thereof the words "Sec. ....." and "C. S. Supp., 1939".

II. Amend the original bill and printed bill, Section 4, in lines 1 and 2, by striking the words "Sections ....." and "Compiled Statutes, Supplement 1939" and inserting in lieu thereof the words "Secs. ....." and "C. S. Supp., 1939".

III. Amend the Title, original bill, lines 2 and 3 thereof (printed bill, lines 2 and 3) by striking therefrom the words "Sections ....." and "Compiled Statutes, Supplement 1939" and by inserting in lieu thereof the words "Secs. ....." and "C. S. Supp., 1939".

IV. Amend the Title, original bill, line 7 (printed bill line 5) by inserting after the word "assistance" and before the word "upon" the punctuation ",".

V. Amend the Title, original bill, line 10 (printed bill, line 8) by inserting after the word "sections" and before the word "and" the punctuation ";".

(Signed) Craven, Chairman

SELECT FILE

LEGISLATIVE BILL NO. 3. Mr. Craven asked that the E and R amendments above set out be adopted by unanimous consent.

No objection was made.

The amendments were adopted unanimously.

Referred to E and R for engrossment.

Adjournment

At 12:01 p. m. Mr. Gantz moved that the rules be suspended and that the Legislature adjourn until 10:00 a. m. Thursday, January 11.

The motion prevailed with 33 ayes, no nays, 10 not voting.

Hugo F. Srb,
Clerk of the Legislature.

NINTH DAY

Legislative Chamber, Lincoln, Nebraska,
Thursday, January 11, 1940.

The Legislature met at 10:00 a. m. President Johnson presiding.

Prayer was offered by The Reverend O. J. Burckhardt of Lincoln.

The roll was called and all members were present except John Adams, Jr., and except Mr. Carlson and Mr. Westley who were excused.

The Journal for the Eighth Day was approved as corrected.

Communications

A letter was read from Anna M. Nelson of Oakland, Nebraska, regarding State Assistance.

STANDING COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL NO. 3. Correctly engrossed.

(Signed) Craven, Chairman.

RESOLUTIONS

REPORT—Committee Memorial to Former Members

Mr. President: Your special committee charged with the duty of preparing a resolution in memory of the former members of the Legislature who have died since June 7, 1939, asks leave to report as follows:

LEGISLATIVE RESOLUTION NO. 7. In Memory of Former Members

RESOLUTION RESPECTING THE MEMORIES OF

Pelham A. Barrows	George L. Day
Lulun C. Gibson	John J. Hughes
P. A. Murphy	Richard S. Norval
Ernest M. Pollard	E. H. Sorensen
William T. Thompson	Simon Carleton Ayer

Pelham A. Barrows was born in Carver, Massachusetts, March 13th, 1861, and came to Nebraska in 1878, where he became a farmer, cattleman and newspaper publisher. He held many county and state offices, and served as Lieutenant Governor from 1918 to 1922. His many friends in Nebraska were grieved to learn of his death in Maywood, California, on December 21, 1939.

George L. Day was a pioneer resident and business man of Nuckolls County, had served as mayor of Superior, held many civic offices in his community, and was a member of the State Senate in 1903. His death in Superior, July 20, 1939, brought sorrow to his friends and relatives.

Lulun C. Gibson, respected businessman for forty-five years, and State Senator in 1905 and 1907, died at his home in Omaha, October 1, 1939, at the age of seventy-six. His was an active and useful life.

John J. Hughes, for sixty-nine years a resident of Battle Creek, Nebraska, former County Commissioner of Madison County, and member of the House of Representatives in 1917, died at his home in Battle Creek June 24tb, 1939, at the age of eighty-two.

P. A. Murphy was born in County Cork, Ireland, and came to Nebraska in 1870. Mr. Murphy was a pioneer homesteader and nurseryman in Fillmore County, held many offices of honor and trust among his fellow-citizens, and served in the House of Representatives in 1907 and 1909. His death in Exeter, August 29th, 1939, brought to a close a colorful and useful life.

Richard S. Norval, born on a farm near London Mills, Illinois, in 1849, and a graduate of the University of Michigan Law School, settled in Seward, Nebraska, in 1872, where he practiced law for sixty-seven years. Throughout this period, he was a leader in state and local affairs, serving as a delegate to the Republican National Convention in 1888, a delegate to the State Constitutional Convention in 1919-1920, and a member of the State Senate in 1889 and in 1921, being chosen president of the Senate in the latter year. Mr. Norval died in Seward on November 14, 1939, at the age of ninety.

Ernest M. Pollard was born in Nebraska, of pioneer parents, in 1869. A graduate of the University of Nebraska, and a well known horticulturist, Mr. Pollard was a member of the House of Representatives in 1897 and 1899, served in Congress from 1905 to 1909, was a delegate to the Constitutional Convention of 1919-1920, and was head of the Department of Welfare and Labor during the administration of Governor Weaver. His death in Lincoln, September 23, 1939, brought great loss to his friends and relatives, and to the State which he had served.

E. H. Sorensen, pioneer bnsiness man of St. Paul, Nebraska, and member of the House of Representatives in 1931, died at his home in St. Paul, December 17, 1939, after a three-weeks illness. He leaves many sorrowing friends and relatives.

William T. Thompson, born in Iowa, and a graduate of Simpson College, came to Nebraska in 1885. He was elected County Attorney of Merrick County in 1888, was a member of the House of Representatives in the sessions of 1899 and 1903, served as Deputy Attorney General and Attorney General of the State, resigning the latter position in 1910 to become Solicitor of the United States Treasury, in which capacity he served until 1913. Mr. Thompson's long and honorable life came to a close in Lincoln on June 21, 1939, where he died at the age of seventy-nine.

Simon Carleton Ayer died at Omaha on January 7, 1940, at the age of 92 years. He served in the Nebraska Legislature during the Session of 1881 and later was County Clerk and Clerk of the District Court of Buffalo County, Nebraska. He later served for many years as Union Pacific Railroad right-of-way agent. He rendered loyal service both in his public and private life.

WHEREAS it is the desire of this body to pay tribute to the memories of the departed members of previous Legislatures, NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE IN FIFTY-FOURTH (EXTRAORDINARY) SESSION ASSEMBLED:

1. That, as a people may without vanity take pride in its traditions and institutions, and may with appropriate humility revere its departed leaders, we pause in our deliberations today to honor the memories of those who preceded us here, and who, often in the face of cruel adversity, and sometimes, perhaps, despite limited vision, played a notable part in shaping the destiny of our State, and in bequeathing to us the political and social institutions which we cherish.

2. That the Clerk of the Legislature be directed to spread at large upon the Legislative Journal this Resolution, and that a copy of said

Resolution, properly authenticated, and suitably engrossed, be sent by the Clerk to each of the bereaved families of the deceased members of the Nebraska Legislature, above named, as an expression of our reverence for the deceased and our sympathy for the bereaved.

Special Committee On Memorial Resolutions

(Signed) Harry E. Gantz
Chairman

Swan Carlson

Frank Sorrell

Sam Klaver

M. E. Westley

MOTION—To Suspend Rules and Adopt L. R. No. 7

Mr. President: I move that the rules be suspended and that Legislative Resolution No. 7 be adopted. Gantz

The motion prevailed with 36 ayes, no nays, 7 not voting.

The Legislature paused in its deliberations for a moment to pay silent tribute to the memory of departed former members.

Request for Unanimous Consent

Mr. Lambert requested unanimous consent to amend the Journal for the Third Day.

Objection was raised by Mr. Mekota.

MOTION—To Reconsider Action

Mr. President: I move that the rules be suspended and that we reconsider our action on Legislative Resolution No. 3. Lambert

The motion prevailed with 32 ayes, no nays, 11 not voting.

MOTION—To Amend

Mr. President: I move that Legislative Resolution No. 3 be amended as follows:

In the first paragraph of the preamble strike the words "wasteful, costly, inefficient and bunglesome, and in many instances unsanitary" and insert in lieu thereof the words "more costly to the United States of America, to the State of Nebraska and to the several counties of the states participating". Lambert

The motion prevailed.

MOTION—To Adopt

Mr. President: I move that Legislative Resolution No. 3, as amended, be adopted. Lambert

MOTION—To Indefinitely Postpone

Mr. President: I move that L. R. No. 3 be indefinitely postponed. (Signed) Mekota.

The motion was lost.

Mr. Lambert's motion prevailed and the resolution was adopted as amended.

Special Order of Business

At 10:30 a. m. Mr. Gantz asked that L. R. No. 6 be passed over.

So ordered.

MOTION—To Suspend Rules

Mr. President: I move that the rules be suspended and that we consider L.B. No. 4 and L.B. No. 5 on Third Reading File. Von Seggern.

The motion prevailed with 36 ayes, no nays, 7 not voting.

BILLS ON THIRD READING

The following bills were read the third time and put upon passage:

LEGISLATIVE BILL NO. 4. With emergency clause

A bill for an Act to provide in what manner, and in what Court, suits shall be brought against the state and governmental agencies created by the state, upon claims for compensation benefits under the Nebraska Workmen's Compensation Law; to provide for service of summons upon the state in such suits against the state and entry of voluntary appearances therein; to provide for service of summons upon governmental agencies created by the state, when not otherwise provided by law; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is 'shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Adams, E.A.	Garber	Mekota	Rossiter
Ashmore	Gross	Miller	Schultz
Brady	Gutoski	Mischke	Sorrell
Brodecky	Hall	Mueller	Thomas, Amos
Callan	Herrick	Murphy	Thomas, Ray
Craven	Howard	Neubauer	Thornton
Diers	Johnson	Norman	Tvrdik
Doyle	Johnston	Peterson	Van Diest
Dunn	Klaver	Reavis	Von Seggern
Gantz	Lambert	Reed	

Voting in the negative, 0.

Not voting, 4:

Adams, J. Jr. Carlson Carsten Westley

A constitutional two-third majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Statement for Journal

Mr. President: Had I been present I would have voted for Legislative Bill No. 4. (Signed) Carsten

LEGISLATIVE BILL NO. 5. With emergency clause

A Bill for an Act to amend Section 48-702, C. S. Supp., 1939, relating to labor and unemployment compensation; to define certain terms and words used in The Unemployment Compensation Law; to repeal said Section 48-702, C. S. Supp., 1939, as now existing; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is 'shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Adams, E.A.	Gantz	Lambert	Reed
Ashmore	Garber	Mekota	Rossiter
Brady	Gross	Miller	Schultz
Brodecky	Gutoski	Mischke	Sorrell
Callan	Hall	Mueller	Thomas, Amos
Carsten	Herrick	Murphy	Thomas, Ray
Craven	Howard	Neubauer	Thornton
Diers	Johnson	Norman	Tvrdik
Doyle	Johnston	Peterson	Van Diest
Dunn	Klaver	Reavis	Von Seggern

Voting in the negative, 0.

Not voting, 3:

Adams, J. Jr.	Carlson	Westley

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

RESOLUTIONS

LEGISLATIVE RESOLUTION NO. 6. Mr. Gantz moved that L. R. No. 6 be adopted.

The motion prevailed and the resolution was adopted.

BILLS ON THIRD READING

LEGISLATIVE BILL NO. 2. MOTION—To Place on Select File.

Mr. President: I move to return L.B. No. 2 to Select File for the following specific amendments:

That all amendments heretofore adopted to L.B. No. 2 be stricken and that the original bill No. 2 be amended as follows:

1. Amend Section 1, original bill, page 1, line 23 (printed bill, page 1, line 17) by inserting the words "in such county" after the word "estate" and before the word "owned"; and amend original bill, page 1, line 25 (printed bill, page 1, line 17) by inserting the words "if the name of the spouse is stated in the lien filed," after the word and punctuation "spouse,".

2. Amend Section 2, original bill and printed bill by striking all of section 2 and inserting in lieu thereof the following:

"Sec. 2. That Sec. 68-270, C.S. Supp., 1939, be amended to read as follows:

68-270. The Board shall satisfy and release the claims, accruing under the provisions of Section 12 (68-268) of this Act, when fully paid, or when compromised and settled, or when the estate has been probated and the proceeds allowable have been applied on such claims. **The county in which the recipient had legal settlement at the time assistance payments were made may fully release such claims and liens when paid, or it may release such liens for the purpose of clearing the title to the real estate involved when it appears to it that a recovery thereunder is not probable. Each release shall be signed in the name of the county by the chairman of the Board of County Commissioners or Supervisors after he is authorized by vote of such board: provided, that notwithstanding any other general or specific law, the register of deeds or the county clerk, as the case may be, shall not charge a fee for filing releases of said liens."**

3. Amend Section 3, original bill, page 2, line 23 (printed bill, page 3, line 16) by inserting the words "in such county" after the word "estate" and before the word "owned" therein; and original bill, page 3, line 26 (printed bill, page 3, line 18) by inserting after the word and punctuation "records." and before the word "The" the following: "No lien shall attach to real estate owned by the spouse of a recipient unless the name of the spouse appears in the certificate filed."

4. Amend the original bill and printed bill by striking therefrom all of Section 4 and inserting in lieu thereof the following:

"Sec. 4. That Sec. 68-416, C.S. Supp., 1939, be amended to read as follows:

68-416. The Board shall release liens, accruing under the provisions of this Act, when fully paid, when compromised and settled, or when the estate of which real estate and personal property affected by this Act are a part, has been probated and the proceeds allowable have been applied on such liens. **The county in which the recipient had legal settlement at the time assistance payments were made may fully release such claims and liens when paid, or it may release such liens for the purpose of clearing the title to the real estate involved when it appears to it that a recovery thereunder is not probable. Each release shall be signed in the name of the county by the chairman of the Board of County Commissioners or Supervisors after he is authorized by vote of such board: Provided, that notwithstanding any other general or**

specific law, the register of deeds or the county clerk, as the case may be, shall not charge a fee for filing releases of said liens."

(Signed) Callan

After discussion Mr. Norman moved the previous question.

The motion prevailed.

Vote was taken and Mr. Callan's motion prevailed with 27 ayes, 3 nays, 13 not voting.

Placed on Select File with Specific amendments.

Members Excused

Messrs. Miller, Brady, Ashmore, Hall, Garber and Neubauer were excused for the afternoon session.

Select File

LEGISLATIVE BILL NO. 2. Mr. Von Seggern moved that the Specific amendments above set out be adopted.

Mr. Gutoski asked unanimous consent to amend the bill.

Objection was raised.

Vote was taken on Mr. Von Seggern's motion and the Specific amendments were adopted.

Mr. Gutoski asked unanimous consent to offer Specific amendments.

No objection was raised.

Mr. Gutoski offered Specific amendments and moved their adoption.

The motion was lost with 7 ayes, 19 nays, 17 not voting.

Referred to E and R for engrossment.

Recess

At 1:15 p.m. on motion by Mr. Lambert the Legislature recessed until 3:15 p.m.

After Recess

The Legislature reconvened at 3:15 p.m. Speaker Diers presiding.

The roll was called and all members were present except John Adams, Jr., and except Messrs. Ashmore, Brady, Carlson, Garber, Hall, Miller, Neubauer, Schultz and Westley who were excused.

STANDING COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL NO. 2. Placed on Select File with amendments.

E and R amendments to L.B. No. 2:

I. Amend original bill, Title, lines 1 and 2 (printed bill, lines 1 and 2) by striking therefrom the words, figures and punctuation "Sections 68-268, 68-270, 68-413 and 68-416 Compiled Statutes, Supplement 1939," and inserting in lieu thereof the words, figures and punctuation "Secs. 68-268, 68-270, 68-413 and 68-416, C. S. Supp., 1939,"; and amend original bill, Title, line 6 (printed bill, line 6) by inserting after the word and punctuation "attach;" the words and punctuation "to designate the property to which the lien may attach;"

II. Amend the General File amendment by Senator Von Seggern, adopted January 11, 1940, by underscoring all new matter inserted in the bill.

III. Amend Section 5, original bill and printed bill, by striking therefrom all of Section 5 and inserting in lieu thereof as follows:

"Sec. 5. That said original Secs. 68-268, 68-270, 68-413 and 68-416, C. S. Supp., 1939, are hereby repealed."; amend the original bill, Section 1 and 3, lines 1, 2 and 3 (printed bill, lines 1, 2 and 3) by striking therefrom all of lines 1 and 2 in each section and the quotation marks at the beginning of Section 1, line 3, and insert in lieu thereof as follows:

"Section 1. That Sec. 68-268, C.S. Supp., 1939, be amended to read as follows:

68-268."

"Sec. 3. That Sec. 68-413, C. S. Supp., 1939, be amended to read as follows:"

(Signed) Craven, Chairman.

Request to Consider

Mr. Craven asked unanimous consent to consider L.B. No. 2 on Select File.

No objection was raised. So ordered.

SELECT FILE

LEGISLATIVE BILL NO. 2. E and R amendments found in this day's Journal were adopted.

Referred to E and R for engrossment.

At 4:00 p.m. the Chair declared the Legislature at ease until 4:30 p.m.

At 4:50 p.m. the Legislature was called to order by Mr. Amos Thomas.

MOTION—To Return L. B. No. 3 to Select File

Mr. Tvrdik moved to return L.B. No. 3 to Select File for specific amendment.

The motion was lost with 8 ayes, 19 nays, 16 not voting.

STANDING COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL NO. 2. Correctly reengrossed.

LEGISLATIVE BILL NO. 4. Correctly enrolled.

(Signed) Craven, Chairman.

Adjourment

At 5:15 p.m. Mr. Mueller moved that the rules be suspended and that the Legislature adjourn until 10:00 a.m. Friday, January 12.

The motion prevailed with 30 ayes, no nays, 13 not voting.

Hugo F. Srb,
Clerk of the Legislature.

TENTH DAY

Legislative Chamber, Lincoln, Nebraska,
Friday, January 12, 1940.

The Legislature met at 10:00 a. m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Johnson, and except Mr. Carlson who was excused.

The Journal for the Ninth Day was approved.

STANDING COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL NO. 5. Correctly enrolled.

(Signed) Craven, Chairman.

Legislative Administration

Mr. President: the following is a list of officers and employees of the Fifty-fourth (Extraordinary) Session:

Hugo F. Srb	Clerk of the Legislature
Louis R. Eby	Assistant Clerk
George L. Santo	Sergeant-at-arms
Tracy T. Frost	Assistant Sergeant-at-arms
Mrs. Marion J. Cushing	Postmaster
Rev. L. L. Chambers	Chaplain
Michael Gergen	Custodian

Rev. O. J. Burkhardt	Custodian
Guila Darling	Stenographer
Thelma Dinkel	Telephone operator
June Rae Dugan	Stenographer
Gene Fowler	Page
Lyda Hafer	Journal clerk
Agnes Heagney	Chief engrossing clerk
Joe Henry	Page
Gentry Hobson	Stenographer
Helen F. Johnson	Stenographer
E. J. Keogh	Custodian
Glen McKinney	Proof reader
Agnes Peterson	Proof reader
Frances Patrick	Stenographer
Henry Remington	Page
Lenore Robinson	Stenographer
Oscar F. Roeser	Custodian
Robert E. Truitt	Mimeograph operator
Clara C. Turbyfill	Office assistant
Frank Wood	Chief bill room clerk
Juanita Young	Engrossing clerk
Barlow Nye	Legal Counselor

(Signed) Carsten, Chairman

MOTION—To Adopt Wage Scale

Mr. President: I move that the Legislature adopt the same wage scale as used in the last regular session, with the exception of the attorney for Enrollment and Review at $25.00 a day plus expenses.

(Signed) Carsten

The motion prevailed.

President Signs

While the Legislature was in session and capable of transacting business, the President signed:

Legislative Bill No. 4 Legislative Bill No. 5.

RESOLUTIONS

LEGISLATIVE RESOLUTION NO. 8. Appreciation Chamber of Commerce Lincoln and Falls City

In Appreciation of the Hospitality and Entertainment Extended to Members of this Legislature by the Chambers of Commerce of Lincoln and Falls City, Nebraska

Introduced by R. M. Howard, John F. Doyle

WHEREAS, the members of the Fifty-fourth (extraordinary) Session, Nebraska State Legislature, 1940, were honored guests of, and entertained by, the Chambers of Commerce of Lincoln, and Falls City, Nebraska, on January Tenth, Nineteen Hundred and Forty, and

WHEREAS, our hosts on this occasion spared no pains to make our visit to Falls City both pleasant and informative, and

WHEREAS, the members of this Legislature appreciate the opportunity thus afforded to view the first producing oil well to be drilled in the State of Nebraska, and to gain first-hand information concerning a new industry in our State, and

WHEREAS, the members of this body desire to express their most sincere appreciation for the gracious hospitality and the many courtesies extended, NOW THEREFORE

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA IN FIFTY-FOURTH (EXTRAORDINARY) SESSION ASSEMBLED:

1. That the members of this Legislature extend a vote of thanks to the Chambers of Commerce of Lincoln, and Falls City, Nebraska, for their thoughtfulness in providing for our entertainment and comfort during the visit of said members to the oil well at Falls City, Nebraska.

2. That a copy of this resolution be spread at large on the pages of the Journal of this Legislature; and that the Clerk of this Legislature be directed to forward copies of this resolution, properly authenticated and suitably engrossed, one each to the Chamber of Commerce of Lincoln, Nebraska, and the Chamber of Commerce of Falls City, Nebraska.

MOTION—To Suspend Rules and Adopt

Mr. President: I move that the rules be suspended and that Legislative Resolution No. 8 be adopted. Howard

The motion prevailed with 38 ayes, no nays, 5 not voting.

The resolution was adopted.

MOTION—To Suspend Rules

Mr. President: I move that we suspend the rules and consider L. B. No. 6 on Third Reading File at this time. Von Seggern.

The motion prevailed with 40 ayes, no nays, 3 not voting.

BILLS ON THIRD READING

The following bill was read the third time and put upon passage:

LEGISLATIVE BILL NO. 6. With emergency clause.

A bill for an Act to provide for the compensation of employees, mileage of members, and for supplies and other incidental expenses incurred during the Fifty-fourth (Extraordinary) Session of the Legislature of the State of Nebraska; appropriating the sum of Five Thousand and no/100 Dollars therefor; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is 'shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Adams, E. A.	Gantz	Miller	Sorrell
Adams, J. Jr.	Garber	Mischke	Thomas, Amos
Ashmore	Gross	Mueller	Thomas, Ray
Brady	Gutoski	Murphy	Thornton
Brodecky	Hall	Neubauer	Tvrdik
Callan	Herrick	Norman	Van Diest
Carsten	Howard	Peterson	Von Seggern
Craven	Johnston	Reavis	Westley
Diers	Klaver	Reed	
Doyle	Lambert	Rossiter	
Dunn	Mekota	Schultz	

Voting in the negative, 0.

Not voting, 2:

Carlson, Johnson.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

STANDING COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL NO. 6. Correctly enrolled.

(Signed) Craven, Chairman.

President Signs

While the Legislature was in session and capable of transacting business, the President signed:

Legislative Bill No. 6.

The Legislature was at ease for ten minutes.

Invitation

In behalf of the Mutual Benefit Association of Omaha, Mr. Gutoski extended an invitation to the Members of the Legislature to attend the Ice Review in Omaha Friday evening January 12th.

Adjournment

At 10:40 a. m. on motion by Mr. Mueller the Legislature adjourned until 9:00 a. m. January 13.

Hugo F. Srb,
Clerk of the Legislature.

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska,
Saturday, January 13, 1940.

The Legislature met at 9:00 a. m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Carlson who was excused.

The Journal for the Tenth Day was approved.

Communications

Letters were read from Congressmen Carl T. Curtis, Charles F. McLaughlin and Karl Stefan, and from Stephen Early, Secretary to the President, all acknowledging receipt of Legislative Resolution No. 3.

Visitor

Mr. Rossiter introduced Mr. Raymond Clapper, Washington newspaper columnist and political commentator, who addressed the Legislature briefly.

STANDING COMMITTEE REPORT

Enrollment and Review

Presented to Governor for Approval

Friday, January 12, 1940 at 11:30 a. m.

L. B. No. 4 L. B. No. 5 L. B. No. 6

(Signed) Craven, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION NO. 9. Appreciation to Ak-Sar-Ben

Resolution in Appreciation of the Hospitality Extended to Members of this Legislature by the Board of Governors and Members of Ak-Sar-Ben

Introduced by R. M. Howard, John F. Doyle

WHEREAS, the members of the Fifty-fourth (Extraordinary) Session, Nebraska State Legislature, Nineteen Hundred and Forty, were honored guests of, and entertained by the Board of Governors and members of Ak-Sar-Ben in Omaha, Nebraska, on the evening of January Third, Nineteen Hundred and Forty, and

WHEREAS, our hosts on this occasion were untiring in their efforts to make onr visit an enjoyable one, and

WHEREAS, the members of this body desire to express their most sincere appreciation for the gracious hospitality and the many courtesies extended, NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA IN FIFTY-FOURTH (EXTRAORDINARY) SESSION ASSEMBLED:

1. That the members of this Legislature extend a vote of thanks to the Board of Governors and members of Ak-Sar-Ben for their hospitality and cordiality during the visit of said members of the Legislature to Omaha.

2. That a copy of this resolution be spread at large on the pages of the Journal of this Legislature; and that the Clerk of this Legislature be directed to forward copies of this resolution, properly authenticated and suitably engrossed, to the Board of Governors of Ak-Sar-Ben, Omaha, Nebraska.

MOTION—To Suspend Rules and Adopt

Mr. President: I move that the rules be suspended and that Legislative Resolution No. 9 be adopted. Howard.

The motion prevailed with 35 ayes, no nays, 8 not voting.

The resolution was adopted.

LEGISLATIVE RESOLUTION NO. 10. In Memory of Patrick J. McMahon.

Introduced by Peter P. Gutoski

Patrick J. McMahon was born at Omaha, Nebraska, on March 17, 1888. He served as a member of the bicameral Legislature in the House of Representatives in 1927, 1929, 1931 and 1933, and was a member of the unicameral Legislature of 1937. He died at his home on December 25, 1939, in Omaha, where he had resided during his life. He left surviving him his wife and eight children. At the time of his death, he was assistant superintendent of parks at Omaha. His death is mourned by his many friends.

His interest in civic affairs of city, county and state is best shown when recognition is given to the number of years he spent working in the interest of his fellow-citizens. As a legislator, Patrick J. McMahon was earnest and sincere, endeavoring to foster and protect such legislation as was for the best interests of his community and the state at large.

His success in life was obtained through his own efforts, as he came from the rank of the working class, whose welfare was ever uppermost in his mind.

In the passing of Patrick J. McMahon, the family has lost the companionship of a husband and father; we have lost a friend and fellow-worker, and the State of Nebraska has lost a conscientious citizen. NOW THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEBRASKA IN FIFTY-FOURTH (EXTRAORDINARY) SESSION ASSEMBLED:

That this Resolution be spread at large on the Legislative Journal; and that the Clerk of the Legislature be instructed and directed forthwith to forward a copy thereof, properly authenticated and suitably engrossed, to the family of the deceased, as a mark of our reverence to his memory.

MOTION—To Suspend Rules and Adopt

Mr. President: I move that the rules be suspended and that Legislative Resolution No. 10 be adopted. Gutoski.

The motion prevailed with 36 ayes, no nays, 7 not voting.

The resolution was adopted.

Approved by Governor

January 12th, 1940.

To the Members of the Legislature

Gentlemen:

I have been directed by His Excellency, Governor R. L. Cochran, to inform your honorable body that he has this day approved the following bills:

L. B. No. 4 L. B. No. 5 L. B. No. 6

Respectfully submitted,

(Signed) Lulu Drayer

Acting Secretary to the Governor

BILLS ON THIRD READING

The following bills were read the third time and put upon passage:

LEGISLATIVE BILL NO. 8. With emergency clause.

A bill for an Act to amend Section 50, Chapter 133, Session Laws of Nebraska for the year 1939; to appropriate for the immediate needs of the State Assistance Fund additional monies; to repeal said original section; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is 'shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Adams, E. A.	Carsten	Garber	Howard
Adams, J. Jr.	Craven	Gross	Johnson
Ashmore	Diers	Gutoski	Johnston
Brodecky	Doyle	Hall	Klaver
Callan	Gantz	Herrick	Lambert
Mekota	Neubauer	Schultz	Van Diest
Miller	Peterson	Sorrell	Von Seggern
Mischke	Reavis	Thomas, Ray	Westley
Mueller	Reed	Thornton	
Murphy	Rossiter	Tvrdik	

Voting in the negative, 2:

Brady Thomas, Amos

Not voting, 3:

Carlson Dunn Norman

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Explanation of Vote

Mr. President: I feel that the taxpayers of the state have been contributing more than they can afford, to relieve the indigent, particularly when the general fund of the state is now overdrawn approximately one million dollars. Any excess income that may accrue to the state should be applied to the overdraft. (Signed) Amos Thomas

Mr. President: I vote no because I do not believe these sources will bring in this amount of revenue. (Signed) Brady.

Statement for Journal

Mr. President: Had I been present I would have voted for Legislative Bill No. 8. (Signed) Dunn

Mr. President: Had I been present I would have voted for Legislative Bill No. 8. (Signed) Norman

LEGISLATIVE BILL NO. 3. With emergency clause

MOTION—To Suspend Rules

Mr. President: I move that we suspend the rules as to the provisions in regard to time and method of printing bills.

(Signed) Peterson

The motion prevailed with 41 ayes, no nays, 2 not voting.

A bill for an Act to amend Secs. 68-266, 68-410 and 43-518 C. S. Supp., 1939, relating to public welfare and social security; to provide that reasonable funeral and burial expenses for dependent children and recipients of old age assistance and blind assistance, upon death, shall be paid by the county boards of the proper counties from money other than that received from the state assistance fund; to repeal said original sections; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is 'shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 30:

Brodecky	Hall	Mueller	Thomas, Amos
Callan	Herrick	Murphy	Thomas, Ray
Craven	Howard	Neubauer	Thornton
Diers	Johnson	Peterson	Van Diest
Dunn	Lambert	Reavis	Von Seggern
Gantz	Mekota	Reed	Westley
Garber	Miller	Rossiter	
Gross	Mischke	Sorrell	

Voting in the negative, 12:

Adams, E. A.	Brady	Gutoski	Norman
Adams, J. Jr.	Carsten	Johnston	Schultz
Ashmore	Doyle	Klaver	Tvrdik

Not voting, 1: Carlson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Explanation of Vote

Mr. President: I vote aye because the Reavis amendment should be in the law. (Signed) Herrick

LEGISLATIVE BILL NO. 2. With emergency clause

MOTION—To Suspend Rules

Mr. President: I move that the rules be suspended to consider Legislative Bill No. 2 on Third Reading File. Von Seggern

The motion prevailed with 38 ayes, no nays, 5 not voting.

A bill for an Act to amend Secs. 68-268, 68-270, 68-413 and 68-416, C. S. Supp., 1939, relating to public welfare, social security and to liens upon the property of recipients of assistance; to fix the time when such liens shall attach; to designate the property to which the liens may attach; to provide how they may be released; to repeal said original sections; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the questions is 'shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Adams, J. Jr.	Gantz	Mischke	Sorrell
Ashmore	Garber	Mueller	Thomas, Amos
Brady	Gross	Murphy	Thomas, Ray
Brodecky	Hall	Neubauer	Thornton
Callan	Herrick	Norman	Tvrdik
Carsten	Howard	Peterson	Van Diest
Craven	Johnson	Reavis	Von Seggern
Diers	Johnston	Reed	Westley
Dunn	Mekota	Rossiter	

Voting in the negative, 6:

Doyle	Klaver	Miller
Gutoski	Lambert	Schultz

Not voting, 2: Adams, E. A. Carlson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Explanation of Vote

Mr. President: This hill creates a lien on the independent estate of a spouse of a recipient which is additional to the liens provided by the present assistance laws. Being opposed to all liens in the assistance statutes, I can not support the additional lien. I vote no.

(Signed) Gutoski

Mr. President: I vote no on L. B. No. 2 because this bill will place a cloud on titles to property of people who have received no benefit from the Old Age Assistance Law. It will make it impossible for these innocent people to sell their property without paying a debt not incurred by them. (Signed) Klaver

Mr. President: I oppose liens against homesteads of old age recipients. It is impossible to repeal the law at this session. Since Governor Cochran has said that he will veto such a bill, I vote for this bill because it is the best we can do for the old people at this session.

(Signed) Johnston

Mr. President: I vote "aye" on this bill because it is the best we can do for the old people at this session. Governor Cochran has advised the Legislature that he will veto this bill when amended to repeal the liens against the homesteads of the recipients of old age assistance.

(Signed) Mueller

Statement for Journal

Mr. President: Had I been present I would have voted "aye" on L. B. No. 2.

(Signed) Ernest A. Adams

STANDING COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL NO. 8. Correctly enrolled.

LEGISLATIVE BILL NO. 2. Correctly enrolled.

LEGISLATIVE BILL NO. 3. Correctly enrolled.

(Signed) Craven, Chairman

President Signs

While the Legislature was in session and capable of transacting business, the President signed:

LEGISLATIVE BILL NO. 8.

LEGISLATIVE BILL NO. 2.

LEGISLATIVE BILL NO. 3.

Request for Unanimous Consent

Speaker Diers asked unanimous consent to take up L. B. No. 1 on General File.

No objection raised.

GENERAL FILE

LEGISLATIVE BILL NO. 1. Speaker Diers moved to indefinitely postpone.

The motion prevailed with 32 ayes, no nays, 11 not voting.

Recess

At 10:00 a. m. the Chair declared a recess until 11:00 a. m.

After Recess

At 11:07 a. m. the Legislature reconvened, President Johnson presiding.

The roll was called and all members were present except Mr. Carlson who was excused.

PETITIONS AND MEMORIALS

A petition from the Nebraska Allied Workers Union was read, relating to assistance for single people and the thirty days furlough for W.P.A. workers.

STANDING COMMITTEE REPORT

Enrollment and Review

Presented to Governor for Approval

Saturday, January 13, 1940 at 10:15 a. m.

L. B. No. 8 L. B. No. 2 L. B. No. 3

(Signed) Craven, Chairman

MOTION—To Appoint Committee to Notify Governor

Mr. President: I move that a committee of five be appointed to wait upon the Governor to advise him that the Legislature has completed its work and is ready to adjourn and ask him if he has any further message for the Legislature. (Signed) Diers

The motion prevailed and the President appointed the following members to serve on said committee:

Diers, Chairman	Gutoski	Doyle
Tvrdik	Mekota	

MOTION—To Retain Help

Mr. President: I move that the Clerk of the Legislature be directed to retain such help as may be required to check the bills and otherwise

complete the business of the office for the Fifty-fourth (Extraordinary) Session of the Legislature. (Signed) Carsten

The motion prevailed.

MOTION—Statutes and Session Laws for Member

Mr. President: I move that a copy of the Compiled Statutes 1929, C. S. Supp., 1939, Session Laws of Nebraska 1939 and Legislative Journal 1939 be furnished to Mr. Ray Thomas. (Signed) Neubauer.

The motion prevailed.

MOTION—To Send Legislative Journals

Mr. President: I move that the Clerk of the Legislature be instructed to send to each member of the Legislature, to the Lieutenant Governor and to each authorized member of the Press assigned to the Legislature for the Fifty-fourth (Extraordinary) Session, a copy of the permanent Legislative Journal of said session and a copy of the Session Laws passed thereat. (Signed) Klaver

The motion prevailed.

MOTION—To Approve Journal for Eleventh Day

Mr. President: I move that the Legislative Journal for the Eleventh Day be approved as prepared by the Clerk. (Signed) Mischke

The motion prevailed.

REPORT—Committee to Notify Governor

Mr. President: Your committee has conveyed the message to the Governor, who stated that he appreciates the good work done and that he has no further message to communicate to this Legislature. Diers

Vote of Thanks

On motion by Mr. Carsten a vote of thanks was extended to the employees of the Legislature who had so willingly and faithfully cooperated to expedite the work of the special session.

Messrs. Tvrdik and Gutoski expressed themselves regarding a special session of the Legislature to extend the delinquent tax act.

With a few brief closing remarks, the President recognized Mr. Neubauer who made the following motion for

Adjournment

Mr. President: The Fifty-fourth (Extraordinary) Session of the Legislature of Nebraska having finished all business before it, I move that it now (11:41 a. m.) adjourn sine die. Neubauer

The motion prevailed and the President declared the Legislature adjourned.

Hugo F. Srb,
Clerk of the Legislature.

CERTIFICATE

I, Hugo F. Srb, Clerk of the Legislature, hereby certify that the foregoing is a true and correct copy of the Legislative Journal of the Fifty-fourth (Extraordinary) Session of the Legislature of the State of Nebraska convened and held in the city of Lincoln, State of Nebraska, January 2, 1940 to January 13, 1940.

(Signed) Hugo F. Srb,
Clerk of the Legislature.

LEGISLATIVE BILLS

Approved After Adjournment

The following Legislative Bills were approved by the Governor after adjournment of the Legislature:

January 13, 1940

Legislative Bill No. 2
Legislative Bill No. 3
Legislative Bill No. 8

LEGISLATIVE BILLS ENACTED INTO LAW

Fifty-fourth (Extraordinary) Session

L. B. No. 2 Callan, Diers and Hall. Relating to liens for state assistance.

L. B. No. 3 Relating to funeral and burial expenses for recipients of state assistance.

L. B. No. 4 Relating to suits under Nebraska Workmen's Compensation Law.

L. B. No. 5 Defining terms used in the Unemployment Compensation Law.

L. B. No. 6 Appropriation for salaries of employees, mileage of members and incidental expenses of Legislature.

L. B. No. 8 Appropriation for State Assistance Fund.

LEGISLATIVE BILLS

By Introducers

Callan, Diers and Hall

1 Appropriation for State Assistance Fund.
2 Liens for state assistance.
3 Funeral and burial expenses.
4 Suits under Workmen's Compensation Law.
5 Unemployment Compensation Law.

Committee on Appropriations

6 Appropriation for Legislature.

Committee on Judiciary

7 Jurisdiction, Workmen's Compensation Court.

REFERRED TO COMMITTEE ON

Appropriations
Chairman—Frank J. Brady

1 Appropriation for State Assistance Fund.
6 Appropriation for Legislature.

Government
Chairman—E. M. Von Seggern

2 Liens for state assistance.

Judiciary
Chairman—Amos Thomas

4 Suits under Workmen's Compensation Law.
7 Jurisdiction, Workmen's Compensation Court.

Public Health and Miscellaneous Subjects
Chairman—A. L. Miller

3 Funeral and burial expenses.

Public Works
Chairman—R. M. Howard

5 Unemployment Compensation Law.

SUMMARY OF LEGISLATIVE BILLS

Bills introduced 8

Final disposition of each bill

Approved by Governor

2 3 4 5 6 8

Indefinitely postponed

1 7

CHRONOLOGY OF BILLS

Fifty-fourth (Extraordinary) Session

LEGISLATIVE BILL NO. 1 By Callan et al

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